

People of Desperate Fortune: Power and Populations in the North Carolina Backcountry

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Between the late 1740's and the outbreak of the American Revolution, the western half of North Carolina underwent a rapid change from sparsely inhabited frontier to an area containing nearly one half of the colony's population. To one period observer, these were merely "people of desperate fortune...without any property" hoping to exchange one "best poor man's country" for another.¹ Hoping to acquire sufficient acreage so that they and their children might achieve "competency" – or economic independence – these migrants sought to make the most of the opportunity offered by Carolina's cheap fertile land. The farms they established commonly focused on subsistence crops and home industry. For many, the marketplace was a distant force to be tapped only for the goods that they or their neighbors desired but could not produce on their own.² However, as European demand for wheat increased during the 1750's, the back settlers responded to the market stimulus not only through their crop choices, but by increasing their petitions for improved connections to market areas. The more enterprising frontiersmen also added the labor of African and African-American slaves to that of their families in an attempt to not only increase their production of staples, but to increase their personal power and prestige – perhaps even to free themselves for officeholding and other pursuits. With this, the Backcountry grew to reflect eastern values – albeit on a rather more modest scale.

The same blending of Backcountry and tidewater traditions found in the growing awareness of the market and slavery was no less conspicuous in the efforts of some back settlers to move up in the world. Indeed, many of the Backcountry's settlers came with dreams of owning large estates and realizing both profits and power. Herman Husband, a prosperous farmer from Cecil County, Maryland, who settled in North Carolina's Orange County during the early 1760's, came armed with a vision of material gain only to see his hopes of entering the colony's mercantile community thwarted by more ambitious newcomers who wrested the upper ranks of society for themselves. These lawyers and merchants, "many of which were the better sort of

¹Deposition of John Frohock, Nathaniel Alexander, Anthony Hutchins, and Francis Mackilwean, 10 December 1762, William L. Saunders, Walter Clark and Stephen B. Weeks, *The Colonial and State Records of North Carolina* (Raleigh, Winston, Goldsboro, and Charlotte, NC, 1886-1914), VI, 795. The term "best poor man's country" was originally applied to the Mid-Atlantic region, which, because of its abundant land, productivity and lack of established churches, seemed a veritable paradise. In this sense, North Carolina amply qualified as a southern "best poor man's country."

² There has been considerable debate on the mindset of early American farmers, their desire for economic independence and familial security, and their attitude towards the marketplace. See James A. Henretta, "Families and Farms: Mentalite in Pre-Industrial America," *William and Mary Quarterly*, 3d Ser., XXXV (1978), 3-32; Michael Merrill, "Cash is Good to Eat: Self-Sufficiency and Exchange in the Rural Economy of the United States," *Radical History Review*, 7:1 (1977), 42-71; and James T. Lemon, *The Best Poor Man's Country: A Geographical Study of Early Southeastern Pennsylvania* (Baltimore, 1972). Several recent scholars writing on the southern Backcountry have noted the eagerness of the back settlers for improved market access and involvement in the market system. See Richard R. Beeman, *The Evolution of the Southern Backcountry: A Case Study of Lunenburg County, Virginia, 1746-1832* (Philadelphia, 1984); Rachel N. Klein, *Unification of a Slave State: The Rise of the Planter Class in the South Carolina Backcountry, 1760-1808* (Chapel Hill, 1990); and Robert D. Mitchell, *Commercialism and Frontier: Perspectives on the Early Shenandoah Valley* (Charlottesville, 1977).

people," quickly constituted a class higher than planters such as Husband and came to dominate politics in the west.³

The quest for power was every bit as intense in the Back Settlements as it was in North Carolina's coastal plain and eastern piedmont. Officeholding in both sections came to be concentrated in the hands of a self-seeking few who rewarded their cronies with political favors. Indeed, A. Roger Ekirch, in his study of North Carolina politics prior to 1775, contends that the fluidity of Backcountry society allowed men with no previous officeholding experience to break into and entrench themselves in the local power structure.⁴ Yet, because of its diverse composition, the struggle for power, even if only over the control of one's own person, touched all classes and races in the Backcountry.

During the closing days of December 1700, John Lawson, along with five other whites and three Indian guides, ascended the Santee River. Lawson's two-month journey of exploration carried him northward into the Piedmont region of what is now North Carolina. In early February 1701, he and his companions crossed the Haw River where they found "rich Land enough to contain some Thousands of Families; for which Reason, I hope, in a short time, it will be planted."⁵ Lawson's "short time" stretched into nearly a half century before white settlers in large numbers penetrated North Carolina's wilderness as far westward as the Haw River. Indeed, in 1746, the surveyors commissioned to lay off the southern boundary of the Earl of Granville's proprietary grant were forced to halt their survey at the Haw, "there being no Inhabitants that can assist us to the Westward."⁶

The seven years after 1746 saw a drastic change in the conditions found by Granville's agents. In 1753 Matthew Rowan, then the acting governor of North Carolina, reported to the Board of Trade that,

in the year 1746 I was up in the Country that is now Anson, Orange and Rowan Countys, there was not then above one hundred fighting men there is now at least three thousand for the most part Irish Protestants and Germans and dayley increasing.⁷

Rowan's estimate of three thousand "fighting men" is not far from the mark. In 1756 the three frontier counties to which he referred had a militia force of 2276 men.⁸ The sudden influx of white inhabitants over a relatively short time, combined with the non-Anglican background and non-English ancestry of the majority of these new settlers, was the hallmark of North Carolina's Backcountry.

The "Irish Protestants and Germans" Rowan and other contemporary observers encountered were, however, not the exclusive settlers of North Carolina's frontier. Among the "two...streams of population...spreading out over the plains and valleys of the Piedmont" that R. D. W. Connor discerned in his study of North Carolina were English, Welsh, Highland Scots,

³ A. Roger Ekirch, "*Poor Carolina:*" *Politics and Society in Colonial North Carolina, 1729-1776* (Chapel Hill, N.C., 1981), 179. For further discussion on Husband, see James P. Whittenburg, "Planters, Merchants, and Lawyers: Social Change and the Origins of the North Carolina Regulation." *William and Mary Quarterly*, 3d Ser., XXXIV (1977), 215-238; and A. Roger Ekirch, "A New Government of Liberty": Herman Husband's Vision of Backcountry North Carolina, 1755," *William and Mary Quarterly*, 3d Ser., XXXIV (1977), 632-646.

⁴ Ekirch, *Poor Carolina*.

⁵ John Lawson, *A New Voyage to Carolina*, ed. by Hugh T. Lefler (Chapel Hill, N.C., 1967), 60.

⁶ William L. Saunders, Walter Clark and Stephen B. Weeks, *The Colonial and State Records of North Carolina*, IV, 811.

⁷ *Ibid.*, V, 24.

⁸ *Ibid.*, 575.

Dutch, Swiss, and possibly Frenchmen.⁹ These settlers, never a majority, appear like tiles scattered throughout a mosaic. Unlike the arrival of the Germans and the Scotch-Irish Dissenters, the arrival of other nationalities in the Backcountry went largely unnoticed. In the accounts of the period which are extant, contemporary observers failed to report the presence of these ethnic groups. For this reason, a cloak of anonymity has settled itself around a portion of the Backcountry's residents. This lack of recognition has, unfortunately, extended itself to modern historians such as Connor.¹⁰ Yet the presence, and contributions, of these other nationalities along North Carolina's frontier is no less noteworthy than that of their Scotch-Irish and German neighbors.

The arrival of many of these settlers in the backwoods of North Carolina largely coincided with that of the Scotch-Irish and Germans. In some areas, however, occupation by groups such as the English and Welsh preceded settlement by either the Scotch-Irish or Germans. Robert Ramsey, in his study of the northwestern Carolina frontier prior to 1762, contends that "the importance of this group on the frontier was considerable, for most of the sheriffs, clerks of the court, lawyers, and justices of the peace were of Quaker or Baptist origin."¹¹ The careers of Edward Hughes, David Jones, and Benjamin Milner, the first three sheriffs for Rowan County, demonstrate the influence these erstwhile Friends were able to wield in the Backcountry.

Rowan County: Former Quakers, Baptists and the Shrievalty

Of the two religious groups, the Quakers contributed heavily, in the number of officeholders, to the political structure developing in Rowan County. These men, however, were not practicing Quakers for there was no Friends Meeting House until 1771 in the vicinity of the Yadkin River.¹² Instead, several of these settlers were Quakers who, prior to their migration to North Carolina, had been disfellowshipped by their congregations for various breaches of the rigorous Friends discipline. For a number of reasons, such as political expediency, the majority of these one-time Friends embraced other denominations. Deserting the religious body to which they had once belonged allowed the more ambitious of these men to "qualify more readily for sheriff, clerk, justice of the peace, constable, tax collector, coroner, or some other lucrative public trust."¹³

By 1752 one group of pioneers with predominantly Quaker roots had coalesced into a neighborhood known as the Bryan Settlement around the Yadkin River's Shallow Ford. Quite probably the first inhabitant of the Shallow Ford area was Edward Hughes, whose

⁹ R. D. W. Connor, *North Carolina: Rebuilding an Ancient Commonwealth*, (Chicago, 1929), I, 153.

¹⁰ In their treatment of the settlement of North Carolina's Backcountry, Hugh T. Lefler and William S. Powell, in *Colonial North Carolina: A History* (New York, 1973), echo Connor's earlier work: "At this same time two streams of population, flowing mostly from Pennsylvania, and to a lesser degree from New Jersey, Maryland, and Virginia, were pouring into Piedmont North Carolina. The earliest, largest, and most widespread of these two population elements was the Scotch-Irish; the other was composed of immigrants of German descent, commonly, though erroneously called Pennsylvania Dutch." (p. 96)

¹¹ Robert Ramsey, *Carolina Cradle: Settlement of the Northwest Carolina Frontier, 1747-1762* (Chapel Hill, N.C., 1964, 1987), 130.

¹² Tom's Creek Monthly Meeting, organized in 1771 and located on a tributary of the Ararat River north of the Yadkin, lays claim to being the first Quaker meeting established to the west of the large concentration of Friends in central Guilford County. Robert W. Ramsey theorizes that, cut off from the Quaker centers of New Garden and Cane Creek, the Friends west of the Yadkin were absorbed by the Separate Baptists and other denominations. See his *Carolina Cradle*, 136.

¹³ Ramsey, *Carolina Cradle*, 136.

“advantageously situated” landholdings lay along both sides of the trail, subsequently known as the Great Wagon Road, which crossed the Yadkin.¹⁴ In 1746 Hughes, originally from Philadelphia County, Pennsylvania, purchased a tract of land along the Shenandoah River’s north fork in the valley of Virginia. During the brief time Hughes resided in Virginia he presumably became acquainted with the family of a fellow former Pennsylvanian, Morgan Bryan. Indeed, two of Bryan’s sons, Samuel and Morgan Jr., were witnesses to Hughes’ initial purchase of land in the Shenandoah.¹⁵ Hughes either preceded the Bryan family’s move southward in 1748 or accompanied Morgan Bryan and the family of his son-in-law, William Linville, to North Carolina. In 1754 the court of Rowan County granted Hughes a license to operate an ordinary on his Shallow Ford landholdings. Income from the tavern, located at one of the two fords on the Yadkin passable for wagon traffic, and a ferry opened by Hughes during the previous year quite probably assisted Hughes’ rapid rise into the political structure developing in Rowan County.¹⁶

Hughes’ business ventures alone probably do not account for his entrance into local politics. His friendship with Morgan Bryan in Virginia probably led to Hughes’ association with James Carter. Formerly of Cecil County, Maryland, from 1744 to 1747 Carter resided in the Shenandoah Valley.¹⁷ Carter, who was to play a prominent role in the founding of Salisbury, arrived in North Carolina as a man of wealth. While a resident of Maryland, Carter had come under the patronage of William Rumsey, one of the largest landholders in Cecil County and, prior to his death in 1742, collector of customs at Bohemia Manor.¹⁸ During his short period of residence in Virginia’s Augusta County, where he entered into association with Morgan Bryan, Carter successfully operated one or more mills. The wealth acquired during these years helped push Carter into the forefront of Rowan County politics.

As Carter’s career rose to meteoric heights, so did that of his acquaintance, Hughes. In 1753 Hughes became one of the justices for the Court of Pleas and Quarter Sessions for newly created Rowan County.¹⁹ The power available to Hughes and his fellow justices, who included James Carter among their number, can be imagined when one considers the duties of the court. In a 1767 report to the Earl of Shelburne, Britain’s Secretary of State for the Southern Department, North Carolina’s royal governor William Tryon commented that, among other powers, the colony’s local courts could levy taxes for the repair and construction of bridges and roads within their jurisdiction.²⁰ The Court of Pleas and Quarter Sessions also had broad appointive powers which affected both the local social order and economy. Included among these were the right to designate guardians for orphans living within the county, arranging the indenture and overseeing the treatment of apprentices, the appointment of road overseers and constables, and the granting of licenses to operate taverns and public ferries. The court further regulated the local economy by setting the rates which ferry operators and tavern owners could charge the public for their services.²¹ Local justices such as Hughes also recommended

¹⁴ Ibid., 34.

¹⁵ Ibid., 35.

¹⁶ Rowan County, Court of Pleas and Quarter Sessions (microfilm), North Carolina State Department of Archives and History [NCDAH], Raleigh, N.C., 19 September 1753 and 8 October 1754.

¹⁷ Robert W. Ramsey, "James Carter: Founder of Salisbury," *North Carolina Historical Review [NCHR]*, XXXIX (1962), 134-135.

¹⁸ Ibid., 134. Carter and John Dunn, who later became Rowan County's first clerk of the Court of Pleas and Quarter Sessions and a prominent Salisbury attorney, were both witnesses to Rumsey's will.

¹⁹ Rowan Court Min., June 1753.

²⁰ NCCR, VII, 480.

²¹ Rowan Court Min., 21 September 1753 and 18 July 1775.

candidates for the office of county sheriff, whose confirmation lay in the hands of the colony's royal governor.

Five years after his appointment as a justice of the peace, Hughes replaced David Jones, a Welshman originally from Chester County, Pennsylvania, as sheriff of Rowan County.²² Jones, who lived about eleven miles south of Hughes and the Shallow Ford, possibly owed his appointment as Rowan County's first sheriff to his association with two of the county's justices, James Carter and Squire Boone. In 1733 or 1734, Jones moved from Chester County into Oley Township of neighboring Philadelphia County. Once there, he likely became acquainted with Boone, a Devonshire native whose family was linked to that of James Carter through marriage.²³ Boone and Carter were not the only links between Jones and the ring which grew around the Rowan County court. A third member of the court to whom Jones would have turned for patronage was its clerk, John Dunn.²⁴ Jones presumably entered into friendship with Dunn while both men were residents of Maryland's Prince Georges County.²⁵ Given Jones' uneven performance as Rowan County's sheriff for the period lasting from the county's creation in 1753 until 1758, it must be presumed that the patronage of friends such as Dunn, Carter, and Boone led to the retention of Jones in the shrievalty.

Jones' greatest failure as sheriff, "an officer of trust and importance in the country," was the disregard with which he approached the collection of taxes, both those imposed by the colony and the taxes levied to support the vestry in Rowan County's Saint Luke's Parish.²⁶ Despite the county court's admonition to the local taxables to "give in their Tithables According to Law," Rowan County's taxes were £1355:8:7 in arrears by the end of Jones' career as sheriff.²⁷ By the end of 1758 this condition had worsened to the point that the colony's junior attorney, Robert Jones, brought suit against David Jones to recover the delinquent amount. Conceivably, by the time the suit was filed, Sheriff Jones had improved his effectiveness as the county's tax collector. In January 1758 Rowan's Court of Pleas and Quarter Sessions ordered the sheriff to add the five percent he was allowed by the colony for collecting taxes to the total collected.²⁸

The shrievalty entitled Jones to several fees and commissions other than those awarded for collecting taxes. Nonpayment of taxes within the timespan decreed by the laws of North Carolina resulted in seizure, or distraintment, of goods belonging to a delinquent taxpayer. Sheriffs within the colony, including Jones, were authorized to publicly sell "any of the Slaves,

²² Robert W. Ramsey, "James Carter," 135. See also Rowan Court Min., 21 July 1758.

²³ Robert W. Ramsey, *Carolina Cradle*, 35.

²⁴ William Tryon, writing to the Earl of Shelburne in 1767, commented that the clerks of the colony's inferior courts acquired "great influence" due to their "so thorough a knowledge" of the local citizenry. NCCR, VII, 482.

²⁵ Ramsey, *Carolina Cradle*, 33. Jones was presumably living in Prince Georges County by mid-1739. Dunn, a former resident of Cecil County, moved to Prince Georges in 1743. Sometime prior to the summer of 1748, Dunn left Maryland and moved to North Carolina, where he became active in the affairs of Anson County's Court of Pleas and Quarter Sessions. See *Carolina Cradle*, 28-30.

²⁶ NCCR, VII, 487.

²⁷ Rowan Court Min., 19 July 1755. Taxable status extended to all white males over sixteen years of age and all mulattoes and slaves, both male and female, above the age of twelve.

²⁸ Ibid., 21 January 1758. By December 1758 Jones had returned £150 of the amount sought in North Carolina's attempt to recover Rowan County's delinquent taxes. The £150 was apparently all the colony collected as Jones was still £1205:8:7 in arrears in early 1773. See NCCR, V, 1083. Jones, however, was not alone in his failure to collect taxes. In his study of the sheriff in North Carolina during the colonial period, Julian P. Boyd noted that a "widespread condition" of delinquency existed among the colony's sheriffs, many of whom were "several years in arrears" in their accounting of public money. Julian P. Boyd, "The Sheriff in Colonial North Carolina," *NCHR*, V (1928), 166.

Goods and Chattels, belonging to or in the Possession of the Person owing or Chargeable with such Taxes."²⁹ For acting as vendue master, or auctioneer, at the sale of distrained property, the sheriff received a commission. The provisions of a 1743 law entitled the sheriff to receive a commission of six percent as payment for his efforts. By 1748 this commission had risen to a fixed rate of one shilling for every pound of value attached to the goods if their total worth were under ten pounds and seven pence for every pound if the evaluation of the goods were appraised at more than ten pounds.³⁰ Jones, as sheriff, not only received a commission in the distraintment of property, but was paid for summoning juries, serving subpoenas, making arrests, feeding prisoners, and seeing to the maintenance of the county's jail.³¹

Edward Hughes, who opposed Jones as a candidate for sheriff in October 1754 and again in April 1757, proved to be little better than his predecessor. Despite Hughes' plea for assistance in improving the county jail following his installation as sheriff in July 1758, he exhibited the same indifference Jones had shown towards collecting taxes.³² In an appearance before the county court in October 1760, Hughes' successor, Benjamin Milner, claimed that he had collected from over two hundred and sixty delinquent taxables who were supposed to have paid their taxes to Hughes during 1758. Milner could not, however, have collected from all the taxables Hughes failed to visit during his term as sheriff. Early 1773 found Hughes still in arrears for over four hundred and seventy-five pounds which had failed to make its way into the coffers of the treasurer of North Carolina's Southern District.³³ Presumably reflecting upon the lackluster career of David Jones, the patronage which had secured the office of sheriff for Hughes, despite a 1749 prohibition barring ordinary keepers from the shrievalty, apparently were unwilling to retain him in that office. Despite a half-hearted attempt to reappoint Hughes as sheriff in April 1759, three months later his term was allowed to expire quietly.³⁴

Like Hughes, Benjamin Milner also resided on the eastern side of the Yadkin River. Milner's landholdings on Barsheby Creek abutted the Wachovia Tract belonging to the Moravians.³⁵ The son of a Yorkshireman, Milner moved to North Carolina from the Middle Colonies.³⁶ In mid-July of 1759 he succeeded Hughes as Rowan County's sheriff.

As such, Milner paid considerably more attention to his responsibilities as the county's tax collector. At the end of his first two years as sheriff, Milner could take pride in his accomplishment of "having fully accounted with the treasurer for those years."³⁷ Compared with the disappointing careers of David Jones and Edward Hughes, Milner's feat is truly outstanding. It was accomplished during a period which brought relations between the Backcountry's white residents and the Cherokee Indians to their west to a flashpoint.³⁸ This renders Milner's executions of his fiscal duties amazing.

²⁹ NCSR, XXIII, 428.

³⁰ *Ibid.*, 280.

³¹ *Ibid.* In early 1754 Jones presented a claim to Rowan's Court of Pleas and Quarter Sessions for £1:8:0 "custody fee" for keeping James Cunningham in jail for twenty-eight days. See Rowan Court Min., March 1754.

³² Rowan Court Min., 21 July 1758.

³³ NCCR, V 575.

³⁴ Rowan Court Min., 17 Apr. 1759.

³⁵ Rowan County, Deed Books (microfilm), NCDAH, IV, 399. Barsheby Creek is presumably the Bathsheba Creek shown on the map of North Carolina printed for John Collett in 1770 and on the Henry Mouzon map of 1775.

³⁶ Ramsey, *Carolina Cradle*, 115.

³⁷ *Ibid.*, 176.

³⁸ Stirred by the French, the Cherokees launched a series of attacks against settlers throughout the Catawba Valley. During 1759 and 1760 raiding parties of Cherokees ranged as far east as the Moravian settlements of Bethabara and

This feat, however, was not long-lived. An inquiry into the accounts of the colony's sheriffs held in 1773 found Milner in arrears for slightly more than £160.³⁹ This amount, small compared to the arrearage which accumulated under Jones and Hughes, presumably related to taxes Milner collected for his final years in office, 1761 and 1762. Whether or not this is an indication that Milner relaxed his attention to the duties of his office is an open question as warfare with the Cherokee flared until the end of 1761. These hostilities, coupled with the return of those settlers who had fled the Indians' wrath and sought shelter east of the Yadkin River, left Rowan County's population in a state of flux and could account for the delinquency of slightly more than one hundred persons in Milner's tax return for 1761.⁴⁰

Despite this situation, Milner continued to execute his obligations as decreed by the county court. In late October 1761 he acted as vendue master in the sale of a lot in Salisbury belonging to James Bowers, "late of Rowan, hatter as debt for damages."⁴¹ Six months later, Milner was called upon to repeat this onerous chore as he auctioned off two hundred acres along Deep Creek near the Shallow Ford belonging to another Salisbury resident, innkeeper William Montgomery.⁴²

Milner's career as sheriff ended slightly more than a year after he officiated at the sale of Montgomery's land. In July 1763 William Nassery appeared before Rowan County's Court of Pleas and Quarter Sessions and produced a commission from the colony's royal governor, Arthur Dobbs, which designated him as the county's new sheriff.⁴³ Although his tenure as sheriff appeared to have ended with Dobbs' confirmation of Nassery, the political fathers of Rowan County had not forsaken Milner. In April 1764 Milner was nominated as a candidate for sheriff along with Nassery and Francis Locke. The bid to return Milner to the shrievalty failed, however, as he received only seven votes from Rowan's justices compared to the nine garnered by both Locke and Nassery.⁴⁴ This setback apparently paved the way for Milner's departure from North Carolina. By mid-June of 1764 Milner was a resident of Lunenburg County in Virginia's Southside.⁴⁵ Milner's removal to Virginia ended the ten-year grasp on the shrievalty maintained by Rowan County's English- and Welshmen. From 1763 until the outbreak of the American Revolution, Rowan's sheriffs would be drawn from the county's large Scotch-Irish population.⁴⁶

Bethania. In February 1760 these attacks culminated in a battle between the Indians and the militia garrison of Fort Dobbs, located twenty-seven miles west of Salisbury.

³⁹ NCCR, IX, 575.

⁴⁰ Preliminary terms of peace with the Cherokee were agreed upon on 23 September 1761 and formalized on 18 December of that year. Hugh T. Lefler and William S. Powell, writing in *Colonial North Carolina: A History* (1973), estimate that the number of taxables in Rowan County dropped from around fifteen hundred to about eight hundred during the period 1756 to 1759 as a result of the Indian raids. See Lefler and Powell, *Colonial North Carolina*, 143. For Milner's 1761 return of taxables, see Ramsey, *Carolina Cradle*, 203.

⁴¹ Rowan Deeds, V, 274. Bower's lot was presumably sold to satisfy a judgment against Bowers for an attack upon Salisbury merchant Hugh Montgomery.

⁴² *Ibid.*, IV, 731.

⁴³ Rowan Court Min., 14 July 1763. Two years earlier, in 1761, Nassery had served as Rowan County's undersheriff. In April 1762 Nassery, along with Milner and Alexander Osburn, was named as a candidate for the county's sheriff. See Rowan Court Min. for April 1761 and April 1762.

⁴⁴ *Ibid.*, 11 April 1764.

⁴⁵ Landon C. Bell, *Sunlight on the Southside: Lists of Tithes. Lunenburg County, Virginia 1748-1783* (Baltimore, 1974 reprint of the 1931 edition), 243.

⁴⁶ Although nothing is known about Nassery's provenance, his successors, a strong case can be made for the Ulster origins of his successors--Francis Locke, Griffith Rutherford, and Andrew Allison. Allison, Locke, and Rutherford resided in the area west of Salisbury known as the "Irish Settlement," which extended from the headwaters of

**"A prominent man in this County, and at present an Assembly-man:"
Anglican Officeholding in Rowan County**

Former Quakers such as Hughes, Jones, and Milner did not find their political aspirations limited merely to the office of sheriff in Rowan County. Membership in the Church of England paved the way to higher vistas for the more affluent of these late Friends, several of whom became multiple officeholders. Aware of the power and patronage enjoyed by members of the Established Church in an officially Anglican province, the more ambitious of these sometime Friends apparently embraced the Church in a bid to further their careers. The careers of James Carter and John Frohock, both erstwhile Quakers, illustrate the heights of power attained by these former pacifists.

In 1754 James Carter, "a prominent man in this County [Rowan]," proclaimed in an audience with the Moravians that he belonged to the Church of England.⁴⁷ The son of James and Susannah Carter of Middletown Monthly Meeting in Pennsylvania's Bucks County, Carter made his way to North Carolina's Backcountry after having resided in Cecil County, Maryland and Augusta County, Virginia.⁴⁸ Between the time of his arrival in North Carolina in 1747 and 1754, Carter had accumulated nearly four thousand acres in landholdings. Undoubtedly the money for these purchases derived in part from Carter's previous milling operations in Virginia and the fees paid him as a surveyor for the Earl of Granville.⁴⁹

Carter's position as one of Granville's deputy surveyors undoubtedly played an important role in securing a grant of 640 acres from the earl "for the Use of the Inhabitants of this County [Rowan] &c and for the Use of the Prison Court house and Stocks &c of Sd County."⁵⁰ The location of this tract, predetermined in June 1753 as the site for Salisbury by Rowan's justices of the peace, lay between Grant's Creek and Crane Creek along the wagon road leading to the Trading Ford of the Yadkin. Adjacent to this site was a 350-acre tract purchased, quite providentially, the previous March by James Carter from James Allison.⁵¹ The northern boundary of Carter's parcel of land lay slightly more than one hundred feet from "the diamond whereon the courthouse, office and stocks are erected in the center of Corbin and Inness Streets," Salisbury's two major thoroughfares.⁵² Indeed, Carter's advantageously situated landholding provided sixty-seven of Salisbury's two hundred and fifty-six lots.

By the time the first deed to a lot in Salisbury was recorded in mid-April of 1755, Carter had deeply immersed himself in Rowan County politics. Commissioned a justice of the peace for Anson County in April 1751, he continued to serve as a magistrate after the creation of Rowan

Second Creek northward to Fourth Creek. Both Andrew Allison and his brother, James, were among Rowan County's first justices of the peace. See Ramsey, *Carolina Cradle*, 52, 118, and 126-127.

⁴⁷ Adelaide L. Fries, ed., *Records of the Moravians in North Carolina [Moravian Records]* (Raleigh, N.C., 1922-1954), I, 126.

⁴⁸ Ramsey, *Carolina Cradle*, 26.

⁴⁹ NCCR, V, 1092.

⁵⁰ Rowan Court Min., 21 March 1754.

⁵¹ Rowan Deeds, I, 72. Although Carter, along with Edward Hughes, John Brevard, and Squire Boone, was later appointed a trustee for the town of Salisbury, he was not present at the June 1753 session of the court which determined the town's location. This decision was delivered by justices Alexander Osburn, Walter Carruth, John Brevard, John Brandon, Andrew Allison, and Robert Simonton. A possibility exists that these men consulted Carter regarding the location of Salisbury at an earlier meeting of the court. See Rowan Court Min., June 1753.

⁵² *Ibid.*, II, 81.

County in 1753.⁵³ In addition to his judicial duties, much of Carter's time during 1753 was spent attending to the establishment of Salisbury. The month of June found Carter, along with fellow justice John Brandon, charged with awarding the contract to build the town's jail.⁵⁴ Following hard upon the heels of this appointment was a commission from Matthew Rowan, the colony's acting governor, designating Carter as the county's public register.⁵⁵ This last position, charged with recording the births, marriages, and burials within the county, in addition to registering land transfers, undoubtedly proved to be a financial coup for Carter, who received £0:2:8 for every deed "or any other Writing, or giving a Copy thereof."⁵⁶

Carter's skills as a surveyor, learned in Maryland under the tutelage of William Rumsey and honed while in Granville's employ, earned him yet another appointment in June of 1753. Along with Josiah Dixon and James Taylor, Carter assisted in "Running the Division line between Rowan County and Orange County," Rowan's eastern neighbor.⁵⁷ By 22 September of that year the task had been completed, and Carter and his fellow surveyors were ready to submit the bill for their labor. The Rowan County court, however, balked at the reckoning of £L56:8:0 laid before it "by Reason of that Sum was charged in Virginia Currency."⁵⁸ Somewhat reluctantly, Carter "condescended" to accept North Carolina's less valuable proclamation money in payment for his labors.⁵⁹ Presumably Carter was able to find consolation to the court's rebuff by reflecting upon the wealth accumulating from the fees he received as Rowan's register of deeds and income from the ordinary which he had recently opened.⁶⁰

From 1753 until May 1757 Carter's rise to prominence continued unchecked. On 12 July 1754 he, along with Rowan's clerk of court, John Dunn, received a charge to appoint commissioners to "Lay off the Lott & Streets" of Salisbury.⁶¹ At this time, Carter was also deeply immersed with the responsibilities of another new office, that of representative for Rowan County in the colony's assembly. By the end of February of that year Carter assumed his seat in the lower house, then meeting at Newbern. Carter lost no time in making himself known in the assembly. On 26 February, seven days after the opening of the legislative session, he

⁵³ NCCR, IV, 1243.

⁵⁴ Rowan Court Min., June 1753.

⁵⁵ Ibid.

⁵⁶ NCSR, XXIII, 280. This amount, prescribed by North Carolina's colonial assembly in 1748, should be considered excessive when viewed in the light of Marvin L. Michael Kay and William S. Price, Jr.'s finding that £0:2:8 was the daily wage earned by semi-skilled workers of the period. See Kay and Price, "'To Ride the Wood Mare': Road Building and Militia Service in Colonial North Carolina, 1740-1775," *NCHR*, LVIII, (1980), 380.

⁵⁷ Rowan Court Min., June 1753.

⁵⁸ Ibid., 22 September 1753.

⁵⁹ Ibid. Through 1762 North Carolina's proclamation money compared unfavorably in value to that issued by Virginia. At that time, £1:0:0 of Virginia currency equaled £1:6:8 of that printed by North Carolina. See *Moravian Records*, I, 263. Carter's preference for Virginia currency was not unusual. Alan D. Watson has found that North Carolinians, whether living in the Albemarle Sound region or in the Backcountry, "relied heavily" upon the currency of their northern neighbor. See Watson, *Money and Monetary Problems in Early North Carolina* (Raleigh, N. C., 1980), 15.

⁶⁰ Ibid., 19 September 1753. On 8 October 1754, Carter's license to "keep Ordinary at his plantation" was renewed. The "Plantation" referred to is presumably the "Dwelling House...known by the name of Bristol Hall," located on the east side of the Yadkin River and conveyed by Carter to his daughter, Mary Carter Boone, on 31 April 1756. By locating his ordinary at Bristol Hall, which was situated near the Trading Ford (one of the Yadkin's few fords passable to wagon traffic), Carter's venture was undoubtedly both successful and profitable. See Rowan Deeds, III, 367.

⁶¹ Ibid., 12 July 1754.

cosponsored a bill "to alter the times of holding the Courts of Orange, Rowan, and Bladen Counties."⁶²

Carter's legislation, which passed five days later after the required three readings in both houses of the assembly, was undoubtedly self-serving. Changing the meeting date for Rowan's Court of Pleas and Quarter Sessions, slated to begin on 19 March and to resume again on the third Tuesday of the following June, would allow Carter to attend both the meetings of the assembly and the county court. Indeed, Carter had barely enough time to arrive in Salisbury and resume his role of a justice following the prorogation of the assembly on 9 March.⁶³ That Carter was willing to use his position as a member of the colony's assembly to benefit himself became evident two days later.

On 28 February Carter, playing the dutiful representative, urged a petition from a portion of his constituents, "the Inhabitants of the North side of the Yadkin River in Rowan County," be read before the assembly.⁶⁴ The residents of this rapidly filling area between the Yadkin and Dan Rivers desired the removal of Rowan County's courthouse to a more central location within the county. Such a move would have jeopardized Carter's ventures such as the tavern he operated at the Trading Ford and the division and sale of his land in Salisbury. Indeed, such a move could have resulted in the death of the town, which was still in its infancy. Keenly aware of this threat, Carter successfully blocked the introduction of a bill by Duplin County's William Houston which supported the desire of Rowan's northern inhabitants.⁶⁵ His triumph, however, was short-lived. The petition was read before the House again on 1 March and received the support of the colony's attorney, George Nicholas. One of Onslow County's representatives, John Starkey, came to Carter's rescue and recommended the issue be postponed until the following session of the assembly. Thus tabled, the petition to relocate Rowan's county seat was quietly allowed to die.

By the end of 1754, Carter was playing an active role in defending North Carolina during the opening stages of the French and Indian War. Appointed a major in Rowan County's militia, Carter divided his time between the sessions of the assembly and the local court and the necessities of militia musters. It was, however, unnecessary for him to attend this last as the colony had decreed, in 1746, that "no Member of Assembly...no Justice of the Peace...shall be obliged to enlist themselves, or attend such Musters."⁶⁶ After 20 December of that year Carter's time was also imposed upon by his appointment to a committee charged with securing assistance for the defense of the colony's frontier.⁶⁷ This appointment would, in time, prove to be Carter's undoing.

In mid-May 1757, against the specter of warfare with the Catawba Indians threatening the Backcountry, North Carolina's assembly called upon Carter to account for "...the Sum of Five

⁶² NCCR, V, 196.

⁶³ Ibid., 211. The ten days between the end of the assembly's session and the convening of Rowan County's court would easily have allowed Carter to complete his journey by 19 March. In early 1773, two Moravians, Frederick William Marshall and Traugott Bagge, who planned to present a petition to the assembly allowed eight days for their journey from Salem to Newbern. See *Moravian Records*, II, 755. The second session of the assembly for 1754 was slated to begin the second Tuesday of June, thus overlapping Rowan County's earlier schedule for the meetings of its Court of Pleas and Quarter Sessions.

⁶⁴ Ibid., 200-202.

⁶⁵ Ibid.

⁶⁶ NCSR, XXIII, 245-246. Presumably the state of emergency which existed necessitated the appointment of Carter and John Dunn to command Rowan's militia. Dunn's position as the local clerk of court would ordinarily have exempted him from militia service. See NCCR, V, 153 and 810.

⁶⁷ NCCR, V, 246.

Hundred Pounds Proclamation Money to be...applied in Purchasing arms and ammunition for the Defense of the Frontier County of Rowan."⁶⁸ The guilt of misusing this money may not have been Carter's alone. John Brandon, a Presbyterian originally from Lancaster County, Pennsylvania, shared the blame for mishandling Rowan's defense. Brandon, however, unlike Carter, was beyond the assembly's reach, having died in May 1756.⁶⁹ Faced with the task of appearing before a hostile legislature alone, Carter "neglected" to account for the missing money.⁷⁰ Enraged by this response, the governor's council stripped Carter of his commission as a justice of the peace and of his rank of major in Rowan's militia. Six months later, in November of that year, the assembly expelled Carter from its ranks.⁷¹

During the twenty months between November 1756 and July 1758, Carter's fortune, which had risen to enviable heights, plummeted. Stripped of his offices of representative, militia officer, and magistrate, Carter was to suffer further from a series of ruinous lawsuits. The first of these setbacks was dealt by the widow of his one-time patron, William Rumsey. Rumsey's widow, Sabinah Rigby, brought suit to recover a debt, with nearly twenty years of interest, which Carter owed Rumsey's estate. A court held in November 1756 at the Halifax County town of Enfield awarded Rigby £200 to be paid in Maryland currency.⁷² In order to raise the amount decreed by the court, Carter was forced to sell the 350-acre tract adjacent to Salisbury he purchased in March 1753.⁷³ This sale, however, must not have satisfied Carter's indebtedness, for Rowan County's sheriff was forced to auction off additional property belonging to Carter. Sometime between November 1756 and June 1757 lot number one in Salisbury's southwestern square was sold to Carter's former nemesis, Andrew Cranston.⁷⁴

Further adverse judgments forced Carter to sell additional tracts of his landholdings. In late February 1758 John Brandon, Jr., the son of Carter's accomplice in the misappropriation of the frontier's defense fund two years earlier, successfully sued Carter at a session of the Wilmington District Superior Court. To pay the damages due Brandon, 703 acres lying along Beaver Dam Branch of the Catawba River's South Fork, which belonged to Carter, were auctioned off by Anson County's sheriff, John Hamer. The highest bidder for this tract was none other than Carter's antagonist, John Brandon, Jr.⁷⁵ During the summer of that year an additional suit against Carter was brought by John McGuire, one-time constable for the area south of the Yadkin River. The nature of this suit, although unrecorded, may have stemmed from the

⁶⁸ Ibid., 846.

⁶⁹ Ramsey, *Carolina Cradle*, 196.

⁷⁰ NCCR, V, 846.

⁷¹ Ibid., 892. Carter was replaced by Hugh Waddell, a relative newcomer to Rowan County. Waddell, a resident of Bladen County, arrived in the Backcountry during the mid-1750's to take command of the forces being raised to protect North Carolina's frontier against Indian assaults. In early July 1755, he purchased a lot in Salisbury's northwestern square. Carter's expulsion from the assembly not only brought Waddell to a position of prominence in the Backcountry, but also created a precedent to be used against future legislators who abused the public's trust. According to Jack P. Greene, North Carolina's legislature had not previously resorted to expulsion to punish an offending representative. Following Carter's ejection, however, the assembly revived the practice the following year to clear the perjurer Francis Brown from its ranks. See Greene, *The Quest for Power: The Lower Houses of Assembly in the Southern Royal Colonies, 1689-1776* (New York, 1972 reprint of 1963 edition), 198-199.

⁷² Ramsey, *Carolina Cradle*, 165.

⁷³ Rowan Deeds, II, 244.

⁷⁴ Ibid., III, 358. Cranston, who attacked Carter with "Swords Clubs etc..." in October 1756, subsequently sold a portion of the lot to the daughter of Salisbury merchant Hugh Montgomery. See Rowan Deeds, II, 382 and IV, 706, and Ramsey, "James Carter," 138.

⁷⁵ Anson County, Deed Books (microfilm), NCDAH, VI, 42.

purchase of the "goods & chattels" belonging to John Murphey by McGuire and Carter in November 1755.⁷⁶ Quite possibly Carter reneged on paying McGuire for his share of Murphey's belongings, thus causing McGuire to seek redress through the colony's courts. To raise the payment imposed upon Carter, Sheriff David Jones auctioned off 701 acres of Carter's land lying north of Salisbury along Second Creek.⁷⁷ The following year saw at least one other forced sale of Carter's landholdings. In late October 1759 Sheriff Benjamin Milner, carrying out his duty as the county's vendue master, auctioned off 225 acres of land in which Carter had a quarter interest.⁷⁸

James Carter's fortunes continued to decline until his death in 1765. At that time, all that remained of the vast landholdings he had accumulated during the years since his arrival in North Carolina in 1747 were thirteen lots in Salisbury.⁷⁹ In April 1756, perhaps sensing the tribulations awaiting him, Carter transferred his estate on the east side of the Yadkin to his daughter, Mary Carter Boone. Three months later, in July of that year, Carter sold two of his slaves to his son-in-law, Jonathan Boone.⁸⁰ The transfer of his property to family members continued with a conveyance of 350 acres in a deed of gift to his granddaughter, Abigail Boone.⁸¹ Carter's last days may have been spent, as Robert W. Ramsey contends, operating a mill on Potts Creek near the busy thoroughfare of the Yadkin's Trading Ford.⁸² Carter initiated this venture in late January 1756 by petitioning Rowan's court for permission "to have Two Acres of Land laid off to Build a Public Mill as the Law Directs."⁸³ This venture must have brought considerable wealth as an increasing number of North Carolina's Backcountry farmers turned to raising grain as a staple. Although stripped of his offices and having lost much of his immense acreage, James Carter's final years were probably a period of security spent with his daughter at his former plantation, living off the income from his original trade of millwright.

Carter's successor to the pinnacle of power in Rowan County was John Frohock. A possible acquaintance of Carter's years as a Bucks County, Pennsylvania, resident, Frohock was the son of a Cambridgeshire Friend.⁸⁴ Like Carter, Frohock found membership in the Church of England useful in advancing his career.⁸⁵ Equally useful was Frohock's uncle, Hugh Parker.

Following the death of his father in 1748, John Frohock left Pennsylvania and moved to Prince Georges County, Maryland, where he affiliated himself with his kinsman, Parker. Beginning in late June of 1749 Parker became increasingly involved in the newly formed Ohio

⁷⁶ Rowan Deeds, III, 357.

⁷⁷ Ibid., II, 390. The land, originally granted to Carter by the Earl of Granville in May 1753, was bought by Hugh Montgomery, the "highest bidder." See also Rowan Deeds, I, 93.

⁷⁸ Ibid., IV, 201. The others who jointly owned this tract, which lay on Sills Creek, were George Cathey, George Forbush, and Carter's crony, Edward Hughes.

⁷⁹ Rowan County, Will Books (microfilm), NCDAH, A:43.

⁸⁰ Rowan Court Minutes, 21 July 1756.

⁸¹ Ibid.

⁸² Ramsey, "James Carter," 138.

⁸³ Rowan Court Min., 24 January 1756. The mill on Potts Creek may not have been Carter's sole venture as a mill owner in North Carolina. In January 1755 Carter and Jonathan Boone received a grant from the Earl of Granville for 776 acres along Hunting Creek on the west side of the Yadkin River. Edward Hughes presumably purchased a half interest in this tract from Carter. On 4 January 1759 Boone sold his share of the tract, including the "saw mill & water grist mills," to John Frohock. Hughes retained his portion of the tract for another three months before selling out to Frohock on 20 April. Presumably the mills on the tract were built using the expertise of Boone, a joiner or carpenter, and Carter, his father-in-law, the former millwright. See Rowan Court Min., 20 April 1759 and Rowan Deeds, IV, 86 and 90.

⁸⁴ Vernon O. Stumpf, "John Frohock," *Dictionary of North Carolina Biography*, II, 245.

⁸⁵ Jethro Rumble, *History of Rowan County, North Carolina, Containing Sketches of Prominent Families and Distinguished Men* (Salisbury, N.C., 1881), 300.

Company, which sought to establish English control over the Ohio River Valley. On the twenty-first of that month the Company empowered Parker and Thomas Cresap, a Marylander, who had carried on trade with the trans-Allegheny Indians since 1741, to "cause the necessary Roads to be made and the Houses to be built for carrying on the said Trade" between the lower Potomac and Ohio Rivers.⁸⁶ During the following two years Parker acted as the Company's factor, or agent, at its store established on Wills Creek in western Maryland.⁸⁷ By the time of Parker's death in April or May 1751, Frohock had joined his uncle in transacting the Ohio Company's business. Whether or not Frohock, one of Parker's three "heirs, assignees, and devisees," inherited his uncle's shares in the Company's stock, there can be no doubt that, by the time of Parker's death, John Frohock had become accustomed to dealing with men of local importance and power.⁸⁸

After Hugh Parker's death in the spring of 1751, Frohock moved to northeastern North Carolina where he joined other family members, including kinsman Thomas Parker, who had settled in the western part of Edgecombe County by early 1745.⁸⁹ Between the date of his arrival in eastern North Carolina and early 1756 when he purchased a lot in Salisbury, Frohock befriended Alexander McCulloh, the colony's deputy auditor. The bond between Frohock and McCulloh, the nephew and agent of land speculator Henry McCulloh, was strengthened during this period by the marriage of McCulloh's daughter to Frohock's brother, Thomas.⁹⁰ In the spring of 1765 this connection was to lead to an unfortunate incident involving Frohock. In May of that year, John Frohock, acting as an agent for Alexander Selwyn, a McCulloh protégé, and four members of the Selwyn family, ventured into Mecklenburg County to survey some disputed land lying along Sugar Creek. There, the party found itself attacked by armed settlers who refused either to pay quitrents to Selwyn for the land they occupied or to allow it to be properly surveyed. Luckier than his companions, one of whom "very nearly had daylight let into his skull" by the mob, John Frohock escaped with only a "damnable wipe across the Nose and Mouth."⁹¹

⁸⁶ Alfred P. James, *The Ohio Company: Its Inner History* (Pittsburgh, 1959), 24.

⁸⁷ Parker, a merchant, was well prepared to manage such a venture. Prior to establishing himself in Maryland, Parker had worked as an apprentice to the Philadelphia merchant, Edward Shippen. See Nicholas B. Wainwright, *George Croghan: Wilderness Diplomat* (Chapel Hill, N.C., 1959), 23.

⁸⁸ James, *Ohio Company*, 207. The "Articles of Copartnership for the Ohio Company," signed in Frohock's presence, included among its shareholders two future royal governors, Arthur Dobbs and Robert Dinwiddie, and members of several prominent families residing in Virginia's Northern Neck peninsula.

⁸⁹ Granville County, Deed Books (microfilm), NCDAH, B:258. Parker may well be the Thomas Parker of Edgecombe County who petitioned North Carolina's assembly for 200 acres in November 1744. See NCCR, IV, 709. Frohock's brother, William, had established residence in North Carolina by the end of August 1753 as evidenced by his acting as a witness, along with Thomas Parker, to John Lynch's will. See J. Bryan Grimes, *Abstracts of North Carolina Wills* (Raleigh, 1910), 226.

⁹⁰ Ramsey, *Carolina Cradle*, 114.

⁹¹ NCCR, VII, 32. The May 1765 trip was not Frohock's first venture into the disputed area claimed by both North and South Carolina around Sugar Creek. In late 1762 three other commissioners sought to resolve the boundary dispute. The driving force behind deciding which colony's claim to the region was binding was North Carolina's royal governor, Arthur Dobbs, whose Backcountry landholdings lay along the boundary. That July, during a personal reconnaissance of his lands, Dobbs had been insulted by a group of armed men proclaiming South Carolina's jurisdiction over the territory and who prevented the governor from surveying his land. Five months later, in December 1762, Dobbs, still smarting from this rebuff, engineered the appointment of Frohock and Nathaniel Alexander to undertake a census of the "number of White persons male and female young and old," who had squatted on Dobbs' land since 25 March 1760. On the tenth of that month Frohock, Alexander, Anthony Hutchins, and Francis Mackilwean reported to the governor that "there being near 150...Families settled together, in General, and indeed almost altogether, people of desperate fortune, and without any property or possession but that of the said patentees Lands which they hold by force." NCCR, VII, 744-796.

Frohock's ties to the McCulloh family not only earned for him the trust and accolades bestowed by its members such as Henry Eustace McCulloh, but also catapulted him into the camp of the family's rival land baron, the Earl of Granville.⁹² On 15 January 1760, two of Granville's agents bestowed upon Frohock, "Gintlem," the position of deputy receiver of quitrents due the earl by the inhabitants of his lands in Orange and Rowan Counties. Accompanying this appointment was the office of surveyor for Granville's lands in Rowan.⁹³ Although credit for Frohock's appointment was given to the "Worshipful Justices" of Rowan County, the patronage responsible for his elevation could just as easily be laid at the feet of Bertie County merchant, John Campbell. A staunch Anglican, who "would not suffer a Baptist to come within his gates," Campbell was a brother-in-law of Alexander McCulloh.⁹⁴ By late August of 1755, Campbell was acting as an associate of McCulloh in selling portions of the property belonging to McCulloh's uncle, Henry McCulloh.⁹⁵ However, some years earlier, Campbell had affiliated himself with Francis Corbin, one of Granville's agents, in a trading partnership.⁹⁶ The extent of Campbell's association with Corbin over the next decade is uncertain, but, given his involvement with both the McCulloh family and Francis Corbin, Campbell may well have been responsible for calling the attention of the earl's agents to John Frohock.

Having attracted the notice of Granville's representatives, Frohock remained in the earl's employ and, over the following two years, expanded his duties. On 25 April 1761, Frohock produced a commission from Thomas Child, another of Granville's agents, appointing him "Entry Taker," or register, for deeds issued by the earl in Rowan County.⁹⁷ A second commission issued by Child, also laid before the county court on 25 April, continued Frohock's appointment as receiver of quitrents due Granville from his Rowan County tenants. Nine months later, on 22 January 1762, Frohock presented the local justices with a renewal of this commission, this time issued by Robert Jones, Jr.⁹⁸

In addition to his career as a surveyor and agent for Granville, John Frohock began to add a number of local offices to his accomplishments. The first of these, clerk of the superior court for the Salisbury District, came seventeen months after Frohock purchased a lot in Salisbury's western square, an event which quite probably marked his arrival in North Carolina's Backcountry.⁹⁹ Frohock's appointment to his office came at the hands of a fellow Anglican, Peter

⁹² Henry Eustace McCulloh, customs collector for the colony's Port of Roanoke from 1761 to 1767 and colonial agent after 1768, wrote a confidant that "I have the most unprecedented reliance in his [Frohock's] honor & Friendship." NCCR, VII, 754.

⁹³ Rowan Court Min., 15 January 1760. The following day, on 16 January, Frohock's kinsman, Thomas Parker, was appointed the "Recevor of all Entries of Vacant Land in his Lord Ships District."

⁹⁴ Thomas C. Parramore, "John Campbell," *Dictionary of North Carolina Biography*, I, 316.

⁹⁵ NCCR, V, 622-623.

⁹⁶ Bruce S. Cheeseman, "The History of the Cupola House, 1724-1777," *Journal of Early Southern Decorative Arts*, XV, (1989) 21. This association may have resulted from both men's involvement during the late 1740's in the regional struggle between the northern counties and royal governor Gabriel Johnston and his allies in the colony's southern counties. Campbell succeeded his father-in-law, Benjamin Hill, as one of the leaders of the northern faction while Corbin acted as Granville's representative in the fray after the Albemarle residents called upon the earl for support. For a discussion of the sectional conflict, see A. Roger Ekirch, *Poor Carolina*, 86-111.

⁹⁷ Rowan Court Min., 25 April 1761.

⁹⁸ *Ibid.*, 22 January 1762. The receivership for Rowan was split at this time between Frohock and William Giles.

⁹⁹ Salisbury District Superior Court Minutes, 26 May 1757, NCDAH. Frohock's partner in the purchase of lot number one was Charles Cogdell, Jr., of eastern North Carolina. Cogdell's participation in the purchase of this lot stemmed from his appointment on 9 June 1756 as clerk for the Salisbury District Superior Court. The son of a former justice of the peace and representative for Carteret County, Charles Cogdell was quite probably an Anglican

Henley, Jr., the colony's chief justice.¹⁰⁰ Although Frohock owed his appointment to Henley, his patron, Alexander McCulloh, the father of Frohock's sister-in-law, may well have had a say in the matter.

Primarily charged with drawing up the docket for the twice yearly meeting of the superior court, the clerk was also responsible for issuing subpoenas for witnesses. Like his counterpart, the clerk of the Court of Pleas and Quarter Sessions, the clerk of the superior court was charged with locating, recording, and preserving unprobated wills, an act which earned the clerk £0:2:8.¹⁰¹ During the 1760's, as complaints mounted regarding the ignorance in which the local citizenry were kept regarding the amounts legally chargeable by the court clerks, the superior court clerk was urged to "keep in some public Place in his Office, to which all Persons may have Access one true and perfect printed copy of all such Fees as the Chief Justice and the Clerks of the Superior Court are, or may be entitled to."¹⁰² Failure to comply with this measure, passed by the assembly in 1766, carried a stiff penalty for a negligent clerk. Any person who successfully brought suit against a delinquent clerk was entitled to receive £20 in proclamation money from the clerk "for every Six Months such printed Copy shall be wanting."¹⁰³ The clerk of the superior court acted under a heavy burden to competently discharge his duties, being faced with the forfeiture of a bond of £2000.¹⁰⁴ John Frohock successfully discharged his duties as superior court clerk, winning reappointment to the office through late 1765.¹⁰⁵ This position, the first of Frohock's public offices, proved to be a stepping stone for the further advancement of his career.

The period between 1760 and 1762 witnessed the garnering of a spate of local offices by Frohock. Almost upon the heels of his appointment as Granville's deputy receiver of quitrents came Frohock's election to North Carolina's provincial assembly as one of Rowan County's representatives. This support shown for Frohock, one of the "successful candidates," extended across the various nationalities represented by Rowan's settlers to include that of the pacifist German Moravians.¹⁰⁶ The six months after his election saw further posts conferred upon Frohock. In late May 1760 he received a justice's commission for the county Court of Pleas and Quarter Sessions.¹⁰⁷ However, Frohock was prevented from exercising this new office until the following October because the assembly was in session during Rowan's court term for July. Not until the last day of the final session of 1760's Court of Pleas and Quarter Sessions, on 25 October, did he present himself to the court and take his place as a justice.¹⁰⁸ Even at that late

as was his cousin Richard Cogdell, a member of Christ Church in Craven County. Like Frohock, Charles Cogdell may have enjoyed a close relationship with Alexander McCulloh. In mid-July 1761, Cogdell appeared before Rowan's Court of Pleas and Quarter Sessions in behalf of McCulloh and presented a power of attorney from Henry McCulloh to his nephew and John Campbell. Cogdell must also be listed among James Carter's acquaintances, witnessing various land transactions involving Carter between September and November of 1755. See Salisbury District Superior Court Minutes, 9 June 1756; Rowan Court Min., 21 July 1761; and Rowan Deeds III, 110 and 357.

¹⁰⁰ Henley, appointed to the office of chief justice in May 1755, resided in Edenton. Following his death in 1758, Henley's body was interred in the churchyard of St. Paul's, the town's Anglican church. See NCCR, V, 403 and J. Bryan Grimes, *North Carolina Wills and Inventories* (Raleigh, N.C., 1912), 238-239.

¹⁰¹ NCSR, XXIII, 551.

¹⁰² Ibid., 689.

¹⁰³ Ibid.

¹⁰⁴ Ibid., 552 and 689.

¹⁰⁵ See Salisbury District Court Minutes, 26 May 1757, 22 March 1760, 22 March 1763, and 28 September 1765.

¹⁰⁶ *Moravian Records*, I, 231.

¹⁰⁷ NCCR, VI, 339.

¹⁰⁸ Rowan Court Min., 25 October 1760. The final session for 1760 began on 21 October and lasted until the twenty-fifth. Perhaps Frohock held the court in the same esteem as his kinsman, clerk of court Thomas Parker, who was fined £0:5:0 for "his Neglect in not Tending the Worshipfull Court now Setting he being at Breakfast," during the

date, Frohock's qualification as a magistrate was overshadowed by his appointment as lieutenant-colonel of the county militia.

On 20 January 1761, Frohock added another local office to his growing list of titles with his appointment as Rowan County's clerk of inferior court. The responsibilities of this office can be imagined from a list issued thirteen years earlier enumerating thirty-seven services for which the clerk could charge fees. In addition to keeping a record of the minutes of each session of the county court, these dispensations included recording the marks or brands of livestock, certifying the probate of wills, acknowledging land conveyances, and making out the list of taxables for the local sheriff.¹⁰⁹ From these duties, it is apparent that the clerk of the inferior court, perhaps more so than the local magistrates or other officials, knew more about the events taking place within his county than any other resident. In addition to knowing the business before the court, the clerk also probably possessed a rudimentary knowledge of the colony's various statutes.¹¹⁰ Indeed, one modern researcher has gone so far as to label the clerk as "the fulcrum that kept the machinery of local government properly functioning."¹¹¹ Possibly because of the various emoluments attached to the clerk's office, Frohock found it preferable to the position of justice of the peace, which he held consecutively from 1760 through 1763 and again two years later in 1765, serving through the following year. As if to underscore this, during the period in question, John Frohock's name is noticeably absent from those of the justices sitting at the various terms of Rowan's Court of Pleas and Quarter Sessions.¹¹²

In time, however, Frohock found the fees the clerk could charge to be too tempting. On 10 May 1769 "Sundry persons" accused him of charging "Through a misconstruction of the Law more fees than what the Law allows" for recording a conveyance of land.¹¹³ Frohock's levy of £0:3:4 for this service was indeed a "misconstruction of the Law" on his part as the clerk, under an act of 1748, was allowed only £0:1:4 for acknowledging land sales.¹¹⁴ Later that year Frohock further enraged his constituents by imposing the outrageously high amount of £8:5:0 in an indictment against the Widow Coe. Upon learning from Abraham Cresson that the widow's circumstances were "very good and [that she] had money by her," Frohock exulted, "If that be the case ... [then] I must double the Bill."¹¹⁵ Frohock's abuse of the clerk of court's office, whether intentional or not, would later add fuel to the complaints of the Backcountry insurgents known as the Regulators. Rednap Howell, an Orange County schoolmaster prominent among the Regulators, castigated John Frohock's character in his ballad "When Fanning First to Orange Came," claiming Frohock's:

first study was to cheat for a horse.
I quickly got credit and strait ran away

session of 22 January 1756. Presumably not one to learn from his transgressions, Parker repeated this offense again the following twenty-second of April and again on 23 October of that year. The latter offense earned him a fine of ten shillings by Rowan's exasperated justices.

¹⁰⁹ NCSR, XXIII, 277-278.

¹¹⁰ Robert Wheeler, "The County Court in Colonial Virginia," *Town and County: Essays on the Structure of Local Government in the American Colonies*, ed. by Bruce C. Daniels (Middletown, Conn., 1978), 123.

¹¹¹ Carl Lounsbury, "Structure of Justice: The Courthouses of Colonial Virginia," *Perspectives in Vernacular Architecture*, III (1989), 244.

¹¹² The sessions in which Frohock exercised his position as a justice of the peace, in addition to that of clerk of the court, were 11 January 1763, 11 October 1763 and 11-12 July 1766.

¹¹³ Rowan Court Min., 10 May 1769.

¹¹⁴ NCSR, XXIII, 278.

¹¹⁵ William K. Boyd, ed., *Some Eighteenth Century Tracts Concerning North Carolina*. (Raleigh, N.C., 1927), 305.

And haven't paid for him to this very day.¹¹⁶

The Regulators were not the only persons to take exception to Frohock's actions as clerk of the inferior court, however. In mid-March 1770 the Reverend Theodorus Swaine Drage, a fellow Anglican recently appointed to the rectorship of the county's Saint Luke's Parish, criticized Frohock for urging the area's Dissenters to bypass him in obtaining a marriage license.¹¹⁷ Frohock, acting as clerk of the court with the power to issue marriage licenses and provide "all the necessary Services thereon," was apparently steering marriage-minded Presbyterians to himself rather than to Drage at both the minister's consternation and expense.¹¹⁸ Drage, like other Anglican ministers, was charged under the Marriage Act of 1766 to perform marriages for the colony's Dissenters, whose clergy was forbidden under considerable penalties to execute this service. Faced with this dilemma, the non-Anglican residents of the Backcountry had three choices: to live together in a common law marriage; to travel to South Carolina and have one of that colony's Dissenting clergy perform the service; or to go to Frohock. How desirable this third option was is debatable; Frohock reputedly charged the exorbitant fee of fifteen dollars for a marriage license.¹¹⁹ In spite of this outrageous amount, couples such as Thomas Wilson and Catherine Leviston still sought out Frohock to purchase the necessary permit enabling them to legally wed.¹²⁰

John Frohock's willingness to line his own pockets at the expense of his constituents proved the undoing of his legislative career. The exasperated freeholders of Rowan County, sympathizing with the Regulators' protest over abuses by local officeholders, failed to reelect Frohock to the assembly in 1769. In his stead, Matthew Locke, a Scotch-Irishman with strong Regulator sympathies, joined fellow Ulsterman and veteran assemblyman, Griffith Rutherford, to represent Rowan in the colony's lower house.¹²¹ With the election of Locke and the return of Rutherford, Rowan's electorate rejected the hold Frohock had maintained for the greater part of the previous eight years on one of the county's two seats in the assembly.

The eight years Frohock spent as an assemblyman, however, had doubtlessly been heady ones. On 28 April 1760, four days after his appearance as a delegate to the legislature, John Frohock received an appointment to a committee formed to settle North Carolina's public claims.¹²² This committee, composed almost entirely of representatives from coastal North Carolina, served as a vehicle through which Frohock rewarded the support of his associates in

¹¹⁶ Lefler and Powell, *Colonial North Carolina*, 222-223. There appears to be a small element of truth in Howell's charge as, in early 1758, Frohock was involved in the return of a stolen horse to Thomas Capper. According to the testimony of John Dennis, a Quaker, the horse delivered by Frohock originally belonged to Capper and had been stolen by a roving band of Indians. Howell, presumably knowing of this, later embellished upon the incident and has Frohock, not the Indians, committing the thievery. See Orange County, Court of Pleas and Quarter Sessions (microfilm), March 1758, NCDAH.

¹¹⁷ NCCR, VIII, 180.

¹¹⁸ NCSR, XXIII, 815-816.

¹¹⁹ William S. Powell, James K. Huhta, and Thomas J. Farnham, eds., *The Regulators in North Carolina: A Documentary History, 1759-1776* (Raleigh, N.C., 1971), 565. Joseph MacPherson, a relative newcomer to North Carolina during the Regulator uprising, claimed in 1810 that Frohock charged fifteen dollars for a marriage license rather than the £0:5:0 allowed by the colony after 1770. According to MacPherson, in order to avoid both Frohock's inflated fee and the equally unpopular Reverend Drage, many marriage-minded residents of the upper Yadkin Valley resorted to common law marriages.

¹²⁰ *Moravian Records*, I, 366.

¹²¹ See George McCorkle, "Sketch of Francis Locke," *North Carolina Booklet*, X (1910), 12-14 and S. A. Ashe, *Biographical History of North Carolina* (Greensboro, N.C., 1905-1917), II, 381-385 for the origins of Lockes and Rutherford.

¹²² NCCR, VI, 350.

Rowan County. Through Frohock's influence, Backcountry residents such as his fellow justices Morgan Bryan, John Oliphant, and Alexander Osburn, along with Salisbury attorney John Dunn and Frohock's kinsman Thomas Parker, received reimbursement by the colony for expenses incurred during the Cherokee war of 1759-60.¹²³ Over the succeeding eight years, Frohock sat as a member of this committee during its sessions for 1760, April 1762, October and November 1764, November 1766, and December 1767 through the following January.¹²⁴ Although the committee allowed ambitious men such as Frohock to award or withhold compensations to their adherents and foes, more prestigious appointments awaited Rowan's freshman representative.

On 21 April 1762, Frohock, by now a veteran of the machinations which attended appointments within the lower house, joined his fellow assemblymen on the colony-wide Committee of Propositions and Grievances.¹²⁵ Among the most important of the committees present in the house, the Committee of Propositions and Grievances sought to correct local abuses brought to the assembly's attention.¹²⁶ Frohock's performance as a member of this body must have been inconsequential for he was dropped from its membership when the assembly reconvened the following November.¹²⁷

Two years later, on 27 October 1764, Frohock, having received the endorsement of his fellow assemblymen, took his seat on the equally prominent Committee of Privileges and Elections. Named only at the beginning of each year's legislative sessions, this committee was responsible for deciding contested elections and assuring that the writs for election returned by the county sheriffs were valid and the elections themselves properly conducted. The committee also had the power to determine a representative's right to sit in the assembly.¹²⁸ Frohock's appointment to this committee during the second legislative session of 1764 presumably indicates the amount of patronage he was able to extract from his fellow legislators. A further prestigious appointment during his legislative career fell to Frohock on 10 December 1767 with his appointment to the three-man committee set up "to examine into the state of the public funds" of the colony.¹²⁹

Unlike his predecessor, James Carter, John Frohock suffered no humiliating downfall to cap his career as an officeholder. Indeed, the most traumatic jolts to Frohock's career seem to have been his failure to win reelection to the assembly in 1769 and the loss of his colonelcy in the Rowan militia in 1771. This latter setback, which came at the hands of royal governor William Tryon, resulted from Frohock's attempt to defuse the Regulator uprising in Rowan

¹²³ NCSR, XXII, 820-822.

¹²⁴ NCCR, VI, 349, 453, 483, 817 and 1259; VII, 296 and 553.

¹²⁵ Ibid., VI, 817.

¹²⁶ A. Roger Ekirch considered this committee, along with that of Privileges and Elections and the Committee on Public Accounts, to be the three most important bodies in the lower house of the assembly. See Ekirch, "Hungry as Hawks: The Social Basis of Political Leadership in Colonial North Carolina, 1729-1776," *Power and Status: Officeholding in Colonial America*, ed. by Bruce C. Daniels (Middletown, Conn., 1986), 136-137.

¹²⁷ The committee, as reconstituted on 4 November 1762, was composed entirely of easterners. Gone were Backcountry representatives Frohock, William Churton of Orange County, and William Little of Anson in addition to Samuel Benton of the outer Piedmont county of Granville. See NCCR, VI, 896. Florence Cook states that this committee was newly appointed at each session of the assembly. Florence Cook, "Procedure in the North Carolina Colonial Assembly, 1731-1770," NCHR, VIII (1931), 277.

¹²⁸ Cook, "Procedure," 277.

¹²⁹ NCCR, VII, 751. The other two members of this committee were Edmund Fanning of Orange County and Richard Caswell of Dobbs County. Caswell was one of Frohock's fellow members on the committee to settle and allow the colony's public claims while Fanning, a McCulloh protégé like Frohock, was a member of the Committee of Public Accounts.

County. On 7 March of that year, along with several of Rowan's local officials, he signed an agreement with the Regulators which promised payment "unto any and every person within the county any and all such sum or sums of money...taken through inadvertancy or otherwise over and above what...ought to have been taken for fees."¹³⁰ Party to this agreement were Frohock's two brothers, Thomas, clerk of the Salisbury District's superior court, and William, the county's under, or deputy, sheriff. Having dutifully notified the royal governor of the concord reached, the following month John Frohock received a stinging rebuke from his former patron in which Tryon expressed a "just abhorrence of the Conduct of that Man who is guilty of Extortion in the execution of his Public Character" and labelled Frohock's attempt at accommodation a "practice the most dangerous to the peace and happiness of Society."¹³¹

Bereft of his colonelcy and Tryon's confidence, Frohock sought new outlets of patronage during the year of life which remained to him. In early July 1772, William Johnston, a Scottish merchant residing in Hillsborough and a "particular acquaintance" of Frohock, sought to arrange an introduction for his friend with Richard Bennehan, Johnston's partner in his Snow Hill Plantation store in eastern Orange County.¹³² Johnston already enjoyed ties to two of Frohock's associates, Edmund Fanning, one-time Orange County assemblyman and a close friend of former governor William Tryon, and Richard Henderson, an associate justice of the Hillsborough District superior court and promoter of the transmontane land firm, the Transylvania Company.¹³³ Bennehan, the descendent of Richmond County, Virginia, planters, would have been able to offer Frohock connections to Petersburg, Virginia, merchants such as Edward Stabler, his former employer.¹³⁴ Unfortunately, before any lasting relationship could be formed with Bennehan, Frohock died.

At the time of his death in either July or early August 1772, John Frohock was undoubtedly the wealthiest man in Rowan County. In his will Frohock alluded to at least forty slaves, a number far above that of Rowan's next largest slaveholder, which were to be divided between his two brothers. One slave, Absalom, a "waiting man" who conceivably bore a close relationship with his master, was to be freed and given one year of schooling.¹³⁵ Slaves were not the only property mentioned in John Frohock's will, which also refers to several tracts of land scattered throughout the colony. These vast landholdings included a lot in the eastern North Carolina town of Halifax, tracts located on Wolf Pit and Taylor's Creeks in Granville County,

¹³⁰ Ibid., VIII, 521-522.

¹³¹ Powell, *Regulators in North Carolina*, 394. In an earlier letter, Tryon, "Sensible of the embarassments" the peace-seeking Frohock must have felt following the governor's call on him to assemble Rowan's militia to assist in putting an end to the Regulation, offered to "excuse" Frohock from the impending military expedition. Ibid., 389. See also NCCR, VIII, 647. Frohock had previously enjoyed the confidence of Tryon, being appointed by him to survey the colony's western boundary with the Cherokee in May 1767. Four months later, Frohock was in the "suite of gentlemen" accompanying the governor on his visit to the Moravian town of Bethabara. Included in this entourage were Frohock's allies Henry Eustace McCulloh and Edmund Fanning. See NCCR, VII, 460 and 469-471 and *Moravian Records*, I, 353.

¹³² NCCR, IX, 311.

¹³³ James P. Whittenburg, "Planters, Merchants, and Lawyers: Social Change and the Origins of the North Carolina Regulation," *William and Mary Quarterly*, 3d Ser., XXXIV (1977), 223-224. See also Powell, *Regulators in North Carolina*, 586.

¹³⁴ Jean Bradley Anderson, *Piedmont Plantation: The Bennehan-Cameron Family and Lands in North Carolina* (Durham, N.C., 1985), 4.

¹³⁵ Rowan Wills, C:224.

and land in Virginia in addition to holdings in Rowan and neighboring Mecklenburg County.¹³⁶ In addition to land and slaves, John Frohock owned several grist- and sawmills in Rowan County. Those located in the forks of the Yadkin River he bequeathed to his brother William, and the mills on Grants Creek he left to brother Thomas. Thomas Frohock also received his brother's house in Salisbury and the various lots John Frohock owned throughout the town. Frohock's brothers, however, were not the sole beneficiaries of his will. Also remembered were an aunt, Mary McManus, and Mary McCulloh, daughter "to my worthy and good Friend the Honourable Alexander McCulloh," who alone stood to receive £100 proclamation money "to be given her in gold and silver."¹³⁷ Thus, at his death, Frohock repaid an unspoken debt due the McCulloh family for the patronage it had extended to him beginning with his appointment as clerk of court for the superior court of Salisbury District fifteen years earlier. John Frohock's death marked a twofold passage for Rowan County. It represented the passing not only of the county's wealthiest resident but also the passing from power of the county's English inhabitants. After 1772 its Scotch-Irish population came to dominate more of the local political offices.

**"An industrious people ... [who] make good butter and tolerable cheese:"
Switzers in the Backcountry**

The English and Scotch-Irish elements of the Backcountry's population did not exert a monopoly over local political offices. The area's German inhabitants received a share, though, to a lesser degree, in local administration. This participation, however, has largely gone unrecognized. R. D. W. Connor, writing in 1920, commented that, although "law-abiding and patriotic," North Carolina's German population "took but little interest in politics."¹³⁸ Connor's belief that the Germans played a minor role in politics notwithstanding, between 1754 and 1772 at least thirty-six Germans served as constable in North Carolina's Backcountry. In addition to these men, the German element contributed no less than six justices of the peace, one sheriff, and one assemblyman prior to the Revolution.¹³⁹ At least four of these officeholders appear to have been ethnic Germans who migrated to the American colonies from the cantons of Switzerland.

¹³⁶ Ibid. Some of the Granville County tracts, such as that on Wolf Pitt Creek and on both sides of the Tar River, may originally have belonged to Frohock's kinsman, Thomas Parker. See Granville County, Deed Books, C: 15-17, 17-19, and 20-22.

¹³⁷ Ibid. Mary McManus was the wife of James McManus, a land speculator originally from Northhampton County in eastern North Carolina but, by 1752, living in Granville County. In 1751 McManus received several grants from the Earl of Granville which lay in the vicinity of Sills and Third Creeks. By the beginning of 1758 James and Mary McManus had moved to the Backcountry, taking up residence in Anson County. See Rowan Deeds, II, 253-256; III, 307-311 and 381-390; and IV, 367.

¹³⁸ R. D. W. Connor, *Race Elements in the White Population of North Carolina* (Greensboro, N.C., 1933 reprint of 1923 ed.), 83. Connor's view is echoed by subsequent authors, such as M. Jewell Sink and Mary Green Matthews, writing in *Pathfinders Past and Present: A History of Davidson County, North Carolina*, (High Point, N.C., 1972), in their treatment of North Carolina's German population.

¹³⁹ Serving as constable in Rowan County were Jacob Henkel, Matthias Sappingfield, John Barnet Steigner, Theodorus Felmat, Anthony Biehler, Lorentz Schnepf, Jacob Voelker, Philip Shouse, Jacob Vollenweider, Henry Spaenhauer, Valentine Leonard, Heinrich Schor, Jacob Wagner, Michael Braun, Peter Hauser, Barnet Michael, Jacob Buhe, Philip Sauer, Frederick Fisher, Jacob Braun, Christian Frey, Adam Spach, Henry Bucker, Matthias Kern, Frederick Michael, Henry Zevily, Anthony Salz, John Rintelman, Jacob Feaser, Bostian Cline, Jacob Sink, Michael Ranck and Jacob Bryer. In neighboring Orange County, Ludwig Clapp, Jacob Boon, and Barnett Clapp served as constables between 1761 and 1765. Among the justices of the peace for Rowan County were two Germans: Jacob Loesch and Jacob Bonn, both Moravians. Orange, Mecklenburg, and Tryon Counties each had at

Centuries of contact and a shared language served to blur the distinction between the two nationalities. Yet mindful observers found Swiss settlers scattered across the North Carolina Backcountry. In late 1771 George Soelle, a Danish Lutheran minister who in 1749 became a member of the Unitas Fratrum, or Moravians, visited the home of Henrich Bucker, "a native of Switzerland," on the east side of the Yadkin River.¹⁴⁰ Bucker resided between the Yadkin River and Muddy Creek, two miles from his kinsman by marriage, Christopher Elrod. Although the evidence is sketchy, it is quite probable that Bucker had established himself in this neighborhood by the end of 1759, quite probably having come to the area from Pennsylvania.¹⁴¹

In early June 1765, Bucker purchased 203 acres from a neighbor, Adam Sell. This tract, located near Tice's Run, lay adjacent to a parcel of land purchased from Sell the previous year by his nephew, Adam Elrod.¹⁴² Four years later, Bucker, either unable to improve the entire tract or feeling that land prices had risen to a level acceptable to him, decided to sell fifty-two acres of this plot to Adam Spoon.¹⁴³ Aside from these land transactions, Henry Bucker all but disappears from the local records extant.

On 15 January 1767, Rowan County's justices nominated Bucker as a constable for his neighborhood, his beat running from the Shallow Ford to Muddy Creek.¹⁴⁴ What prompted this choice remains a mystery for Bucker had held no public office following his arrival in North Carolina. Quite possibly the deep commitment evident in his religious beliefs, for he had apparently joined the Moravian Church by this date, if not soon after, impressed Rowan's gentlemen justices.¹⁴⁵ At any rate, Henrich Bucker proved to be an unwilling public servant. The following October these same justices fined Bucker for nonattendance to his duties as constable "without Sufficient Cause to be Shone."¹⁴⁶

A second Switzer who settled along the North Carolina frontier and served Rowan County as a constable was Henry Zevily. Quite probably the Heinrich Zobili who arrived in mid-September 1748 in Philadelphia's harbor aboard the ship *Patience*, by late October 1760 Henry Zevily had established himself in North Carolina.¹⁴⁷ A resident of Salisbury, where he practiced the trade of a tailor, Zevily early entered into land speculation. On 4 April 1761, he secured a grant from the Earl of Granville for 629 acres on the west side of the Yadkin along Crane and Grants Creeks.¹⁴⁸ Slightly more than one year later, on 25 July 1762, Zevily parlayed his

least one German magistrate prior to 1775: N. Michael Holt, Martin Phifer, and Jacob Kastner, respectively. Kastner also served as Tryon County's sheriff between 1773 and 1775.

¹⁴⁰ *Moravian Records*, II, 792.

¹⁴¹ Rowan County's fragmentary 1759 tax list, as transcribed by William Perry Johnson, provides a tantalizing clue with its inclusion of a "--ker, Henry." See Johnson, "Rowan County 1759 Tax List," *North Carolina Genealogy* (1967), 1889. The name of Heinerich Bucher appears among the passengers of the ship *Patience* who landed at Philadelphia in mid-September 1748. See Ralph Beaver Strassburger, *Pennsylvania German Pioneers* (Norristown, Penn., 1934), I, 386.

¹⁴² Rowan Deeds, VI, 369 and VII, 225.

¹⁴³ *Ibid.*, VII, 223.

¹⁴⁴ Rowan Court Min., 15 January 1767.

¹⁴⁵ Bucker joined the Moravian congregation of Hope, composed largely of English settlers from Carroll's Manor in Maryland. In 1778 Bucker, adhering closely to the Moravians' ban on swearing oaths, was listed among the "Persons who neglected or refused to...take the Oath of Affirmation or Allegiance to the State." See Rowan Court Min., 7 August 1778 and *Moravian Records*, IV, 1925.

¹⁴⁶ Rowan Court Min., 14 October 1767.

¹⁴⁷ Strassburger, *Pennsylvania German Pioneers*, I, 386. Zevily's name appears in James S. Brawley's transcription of Rowan County's 1759 tax list as Henry Liveley. See James S. Brawley, *The Rowan Story. 1753-1953: A Narrative History of Rowan County, North Carolina* (Salisbury, N.C., 1953).

¹⁴⁸ Rowan Deeds, IV, 553.

investment of £0:10:0 sterling into a considerable profit as he sold this tract to Jacob Arrand for £100 proclamation money.¹⁴⁹

Zevily enjoyed good relations with the county's German population, acting as witness to land transactions for members of the area's Lutheran community such as John Lewis Beard.¹⁵⁰ He also established a friendship with members of the Moravian community living to the north of Salisbury. Following the birth of two of his children, daughter Margaret in 1764 and son John in 1765, Zevily sought out the Moravians' minister at Bethabara to baptize his children. As Zevily and his wife, the former Elenor Enochs, were known to be "worthy people" and their sincerity was demonstrated by his "earnestly" imploring the Moravians to perform this sacrament, the minister was happy to do this before a small group of the Brethren.¹⁵¹ Yet, Henry Zevily did not confine himself to associating solely with the German population of Rowan County. He also enjoyed a strong rapport with members of its community from the British Isles. Thomas Foster, who resided on Potts Creek beyond the Yadkin, exemplifies these bonds, awarding a deed of gift to the Zevily children "for sundries" in July 1768.¹⁵² Zevily also enjoyed a strong relationship with his father-in-law, John Enochs, being named as a beneficiary, along with his brother-in-law, James Bryan, in Enochs' will.¹⁵³ Through James Bryan, who married Rebecca Enochs in 1756, Henry Zevily probably counted Bryan's father, justice Morgan Bryan, among his acquaintances.

Not all of the English and Scotch-Irish inhabiting Rowan County could be counted among Zevily's close acquaintances, however. In mid-October 1763 Henry Zevily found himself in Rowan's courthouse occupying a seat on the backless bench reserved for attorneys and their clients, the defendant in a suit by Salisbury merchant John Mitchell. Mitchell sought an attachment of Zevily's property to satisfy a £2:7:9 debt.¹⁵⁴ For the first time as a resident of North Carolina, Zevily found himself before the court as a litigant. The previous year, in late October 1761, he had gained an introduction to the English-derived legal system the colony embraced when he sat as a juror in three cases.

On 22 October Henry Zevily, along with two Germans, George Henry Berringer and Conrad Arrand, presented themselves as jurymen to settle a simmering dispute between Agness Osborough and James Osborough.¹⁵⁵ The following day Zevily sat through two more suits, one of which involved a fellow ethnic German, Conrad Michael, as plaintiff. The two days through which he sat as a jurymen undoubtedly left Zevily with a deep impression of English jurisprudence as practiced in North Carolina. From the appearance of the courtroom with its curvilinear justices' "bench 3 feet above the floor" to the positioning of the clerk's "seate" directly before the magistrates as though he were an extension of their collective wisdom, everything in the courtroom was intended to reinforce the hierarchical nature of the colony's society and the position of the county's judicial officers in its legal system.¹⁵⁶ The physical and,

¹⁴⁹ Ibid., 746.

¹⁵⁰ Ibid., 323.

¹⁵¹ *Moravian Records*, I, 289.

¹⁵² Rowan Court Min., 23 July 1768.

¹⁵³ Rowan Wills, A:24. On 3 April 1762, Zevily married Elenor Enochs, the daughter of John and Margaret Enochs. Six years earlier, James Bryan had married the Enochs' daughter Rebecca. See Rowan County, Marriage Bonds, NCDAH and Richard A. Enochs, "A List of Taxables Returned by Wm. Sharp, 1772," *Rowan County Register*, II (1987), 344.

¹⁵⁴ Rowan Court Min., 14 October 1763.

¹⁵⁵ Ibid., 22 October 1761. On 25 July of that year the court had attempted to try this case but was prevented from doing so by the failure of three of the plaintiff's witnesses to appear.

¹⁵⁶ Ibid., June 1753.

to an extent, symbolic elevation of the justices would not be the only thing in the courtroom which impressed Zevily and his co-jurors, all of whom belonged to a largely oral culture. The frequent referral by the attorneys present to the copies of "Nelsons Justices, Carys Abridgement of the Statutes...and Jacobs Law Dicsonney All of the Latest Edition" purchased for the court's use and the reading aloud of the various documents introduced before it would also have impressed Zevily.¹⁵⁷ How many of these thoughts came back to haunt him the following year when he took his place before the bar is purely conjectural. Yet haunt him they would, especially when, on 16 February 1770, Rowan's Court of Pleas and Quarter Sessions nominated Henry Zevily as one of the county's constables.¹⁵⁸

Nine months before Henry Zevily's appearance in the lawsuit against him, Rowan's justices nominated Heinrich Spaenhauer as constable for the county's Dobbs Parish, which embraced the Moravians' Wachovia tract.¹⁵⁹ Born in 1716 in the Swiss town of Muttentz, Spaenhauer immigrated to Pennsylvania in 1740 accompanied by his widowed mother and three siblings. By 1750 he was a resident of Pennsylvania's York County. Tradition maintains that, three years later, Heinrich Spaenhauer and his family were part of the growing population along Virginia's New River. During the French and Indian War, depredations by the Indians drove Spaenhauer and other New River settlers from their homes, forcing them to seek refuge in Virginia's southern neighbor.¹⁶⁰ Fleeing such desolation, four Swiss families, Spaenhauer's possibly among them, took shelter among the Moravians at Bethabara in April 1758.¹⁶¹ When exactly Spaenhauer took up residence among the Moravians cannot be readily determined. By 1766 Heinrich Spaenhauer, cooper and farmer, had established himself as a member of the settlement of Bethania, which was composed of Moravians from nearby Bethabara and several families sympathetic to the Moravians' beliefs.¹⁶² Before this, however, he engaged in patenting one thousand acres of land in Rowan County. On 10 August 1762 Spaenhauer received two Granville grants, each containing 500 acres.¹⁶³ The first of these, lying west of the Yadkin along the south fork of Deep Creek, was purchased for purely speculative purposes. Nearly nine years later, on 1 April 1771, Spaenhauer sold this tract to William Rudlidge, reaping eight times his original investment of £10.¹⁶⁴ The second tract, which lay closer to his home, was located just west of the Wachovia tract's western boundary on Bersheba, or Bathsheba, Creek.¹⁶⁵ The primary witness to both of Spaenhauer's purchases was a fellow Swiss, John Agar.¹⁶⁶ Eight months earlier, on 22 January 1762, Spaenhauer, presumably through the exertions of Jacob

¹⁵⁷ Ibid., 19 December 1753. Ibid.

¹⁵⁸ 16 February 1770.

¹⁵⁹ Ibid., 22 January 1762.

¹⁶⁰ *The Heritage of Stokes County, North Carolina* (Winston-Salem, N.C., 1981), 465.

¹⁶¹ *Moravian Records*, I, 188.

¹⁶² Ibid., 435. The Moravians occupied the lots in the lower part of Bethania while the "outside friends," including Spaenhauer, settled in the upper part of the village. From this upper section of Bethania were drawn three more constables for Dobbs Parish: Philip Shouse, Heinrich Schor, and Peter Hauser, serving, respectively, for 1760, 1763, and 1764. Of the four, Schor embraced the Moravian faith first, becoming a communicant member in 1760 while Shouse and Spaenhauer delayed membership in the Moravian Church until 1764. Hauser joined the church in 1762. Another resident of Bethania, Michael Ranck of the lower town, succeeded Hauser as parish constable in 1765.

¹⁶³ Rowan Deeds, V, 88 and 89.

¹⁶⁴ Ibid., VII, 318.

¹⁶⁵ Ibid., V, 89.

¹⁶⁶ Agar, or Agaeder, was the son of Henry Agaeder. His grandfather, Johannes Agaeder, immigrated to the American colonies from one of the Swiss cantons. See Rowan Wills, A:2 and C:60.

Loesch, a Moravian and justice of the peace for Rowan County since 1759, was named constable for his neighborhood.¹⁶⁷

The powers of office exercised by Spaenhauer, Zevily and Buckner were nearly identical to those allowed constables in Britain. Primarily entrusted to "see and cause his Majesty's Peace to be well and duly preserved and kept," North Carolina's constables were appointed for the space of one year by the local courts.¹⁶⁸ Following nomination, each candidate was expected to appear before the local justices within ten days and swear to "do and execute all...Things belonging to the Office of a Constable, so long as...shall continue in this Office."¹⁶⁹ The "Things belonging to the Office" included arresting those within the constable's presence breaking "his Majesty's Peace," raising posses, and pursuing felons. Dangers did exist for those holding the office, but they were mitigated by the exemption each constable enjoyed for himself from colony, county, and parish taxes in addition to release from working on the local roads for the year.¹⁷⁰

The office of constable was not the pinnacle of power attained by the Swiss in the Backcountry. The post of justice of the peace was also within their grasp. During the latter part of April 1766 in an interview with the Moravians' Reverend Johann Ettwein, Governor William Tryon expressed a desire that the Moravians furnish two more magistrates for Rowan County in addition to their representative on the bench, Jacob Loesch. Having mulled over the question, Ettwein answered "that there was one man [among the Brethren] who understood the English Laws fairly well and could speak English, though he was only a farmer, Henry Spoenhauer."¹⁷¹ Ettwein's suggestion was apparently taken to heart as, nine months later, in mid-January 1767, Spaenhauer's name was included in a new commission for dedimus for Rowan County.¹⁷² Although he enjoyed the support of Bethabara's minister and the royal governor, the farmer and cooper from Bethania never appeared before Rowan's Court of Pleas and Quarter Sessions to take the necessary oath qualifying him as a justice. Conceivably, a land dispute among the inhabitants of Bethania, which he was called upon to help mediate in mid-January, sidetracked Spaenhauer's attention.¹⁷³

¹⁶⁷ NCSR, XXIII, 162. Although a 1741 law decreed that no person "who has served as Constable within the Space of Five Years before" could hold office a second time within this five-year period, this restriction was not scrupulously obeyed in Backcountry North Carolina. In Rowan County, two of the Germans who held this position served second terms within five years of their first appointment as constable. These were Jacob Vollenweider and Michael Braun, constables for 1761/1763 and 1761/1764. This practice, however, was not confined to the area's German population as six members of the county's English and Scotch-Irish community served as constable twice between 1753 and 1758. These were John McGuire (1753/54); Abraham Whitworth (1754/1757); Joseph Peavy (1754/1755); John Mackelwroth (1754/1755); James Templeton (1755/1756); and James Hall (1757/1758).

¹⁶⁸ Ibid. Not all the Germans serving as constable in Rowan County were too conscientious in fulfilling this obligation. Four Germans --Frederich Fischer, Philip Sauer, Adam Spach, and Aaron van Cleft--were derelict in exercising their obligation to the community. Rowan County's English and Scotch-Irish were also delinquent at times as evidenced by the court's admonition, in early October 1754, that neglectful constables be fined thirty shillings for their "Non Attendance pursuant to their Summond." See Rowan Court Min., 9 October 1754, 9 July 1765, and 15 January 1769.

¹⁶⁹ Ibid., 163. The potential danger each constable faced is typified by the 1759 encounter between John McGuire and Thomas Evans. McGuire, attempting to arrest Evans for the assault of Richard Moreby and his wife, was met by Evans, armed with a pistol, who swore, "If Sd Constable did not quitt the house Imediatly he would Shoot him." Faced with this, McGuire made a prudent retreat. See Rowan Court Min., 18 January 1759.

¹⁷⁰ *Moravian Records*, I, 340.

¹⁷¹ Ibid., 356.

¹⁷² Ibid., 356-357.

¹⁷³ Ibid., II, 527.

Spaenhauer's convictions as a Moravian may also have played a hand in his failure to qualify as a magistrate. A communicant member of Bethania's congregation since 1764, Heinrich Spaenhauer may well have wrestled with the same questions posed by the Brethren's Bishop August Spangenburg fourteen years earlier: "...how could we try a criminal case? Our solemn Affirmation does not suffice in such cases, so how could we serve on a jury?"¹⁷⁴ Even though one "understood the English Laws fairly well and could speak English," how could a conscientious member of the Moravian Church involve oneself in such matters when he was reminded that "the Holy Scripture teaches us for Conscious Sake, subject to all in Authority being desirous to lead a quiet & peaceable Life in all Godliness and Honesty as it is good and acceptable in the Sight of God?"¹⁷⁵ Heinrich Spaenhauer took the admonition to "lead a quiet & peaceable Life" to heart and remained the simple cooper of Bethania.

Spaenhauer's nomination as a magistrate, however, was not the first attempt by North Carolina's governor and his council to incorporate the Backcountry's Swiss inhabitants into the colony's judiciary. Nearly four years earlier, on 31 December 1762, the council surrounding royal governor Arthur Dobbs nominated Martin Phifer as one of the justices for newly created Mecklenburg County.¹⁷⁶ A native of Berne, in 1737 the sixteen-year-old youth arrived in Pennsylvania. Eight years later, on 1 October 1745, slightly more than two weeks before his twenty-fifth birthday, Phifer married Margaret Blackwelder in North Carolina.¹⁷⁷ Shortly thereafter, the young couple established their home along the wagon road leading south from Salisbury where it crossed Coldwater Creek in Anson County.

The area in which Phifer settled, lying southwest of Salisbury, originally was part of the extensive holdings granted in 1736 to Henry McCulloh but later conveyed by him to Arthur Dobbs, one of the "Gentlemen in Ireland who were his [McCulloh's] Particular acquaintences and depended on his Friendship and Integrity."¹⁷⁸ In a 1755 reconnaissance of his 6000 acres along the Rocky River, Dobbs found twenty-two German or Swiss families, in addition to over thirty Scotch-Irish households, established upon his holdings. Although they were not named in the governor's report, the Phifers were among the farmers, noted for their "good butter and tolerable cheese" and who cultivated indigo "with good success," encountered by Dobbs during his visit.¹⁷⁹

Indeed, although the evidence is scanty, Dobbs spent some time with the Phifer family during his tour of the area. The following year, in a letter to the justices of Rowan and Anson Counties regarding the building of a road from Salisbury to Charles Town in neighboring South Carolina, Dobbs commented that he would consider it a "favour" if this road were routed by "the House late Arthur Pattons now Mr. Martin Fifer's."¹⁸⁰ The improvement of the existing road would have meant a boon for the Switzer who, in time, operated a mill and ordinary near his home. Three years later, on 24 May 1759, "planter" Martin Phifer purchased 455 acres near

¹⁷⁴ Ibid., I, 342. Spaenhauer wholeheartedly believed in the admonition to be "subject to all in Authority being desirous to lead a quiet & peaceable Life." On 15 February 1776 he, along with several other residents of Bethania and nearby Bethabara and Salem, pledged, "hitherto as quiet people," not "at any time [to] intermeddle in the political affairs" of the province. Spaenhauer and his fellow Moravians would "assist and support the Country...in paying of Taxes and any thing else that is not against our Conscience." See *Moravian Records*, III, 1348.

¹⁷⁵ NCCR, VI, 799.

¹⁷⁶ Charles H. Phifer, *Genealogy and History of the Phifer Family* (Charlotte, N.C. 1910), 5.

¹⁷⁷ NCCR, IV, 697.

¹⁷⁸ Ibid., V, 536.

¹⁷⁹ Rowan Court Min., 24 July 1756.

¹⁸⁰ Anson Deeds, VI, 59.

Buffalo Creek from the governor.¹⁸¹ From this purchase there emerged a relationship between the two men, royal governor and Swiss "planter." This bond strengthened as Dobbs, through small acts of patronage, increased Phifer's local standing. In the summer of 1762, on a tour of his frontier landholdings, the royal governor and his entourage halted their journey at Phifer's while they met with a delegation from the Moravian settlements.¹⁸²

Between 1762 and the time of Dobbs' death in March 1765, Martin Phifer figures in at least thirty land transactions between the governor and various residents of Anson and Mecklenburg Counties. Phifer's involvement in these transfers quite probably stems from the growing importance of the forty-one-year-old Lutheran and his knowledge of the region centering on Coldwater and Dutch Buffalo Creeks. This task brought Phifer into contact with various members of the area's diverse population such as the Alexander and Harris families, soon to become cornerstones in Mecklenburg's political structure.¹⁸³

Martin Phifer's contacts stretched throughout the Backcountry, extending from the area south of the Rocky River, where members of the Scotch-Irish Alexander clan settled, north to the Wachovia settlements. Included among these acquaintances were several of Salisbury's more prominent citizens. In mid-July 1760 Phifer, along with John Frohock's kinsman, Thomas Parker, presented himself to the Rowan Court of Pleas and Quarter Sessions as a bondsman for widow Hester Long. The daughter of George Cathey, the benefactor of Thyatira Presbyterian Church, Hester successfully petitioned for the administration of her husband's estate with the help of Salisbury lawyer John Dunn.¹⁸⁴ Late the following year, Phifer repeated this service for Margrett Garrett in her quest for letters of administration of the estate of her husband, Daniel Garrett. Also acting as bondsman was justice and former Indian trader, William Giles.¹⁸⁵

A number of Phifer's acquaintances understandably were fellow Switzers, such as Bethania's baker, John Strub, and Jacob Fullenwider, a former constable for Rowan County.¹⁸⁶ Through Jacob Fullenwider, who resided southeast of Salisbury near Dutch Second Creek and became acquainted with Phifer in March 1765 following jury service on Salisbury's superior court, a union was effected between the two Swiss families. On 3 March 1773, Phifer's twenty-four-year-old son Caleb married Fullenwider's daughter Margaret. Margaret's brother Henry, a crony of Henry Zevily, acted as the young couple's bondsman.¹⁸⁷ Not all of Martin's acquaintances, however, were members of the area's small Swiss community. A strong bond developed between the Phifer family and that of a fellow Lutheran, neighbor Paul Barringer. On 26 November 1772, Phifer's oldest son, John, married the daughter of the Wurtemberg-born Barringer.¹⁸⁸ The association between the elder Phifer and Paul Barringer grew not only from the

¹⁸¹ *Moravian Records*, I, 247.

¹⁸² Anson Deeds, VI, 265. See Mecklenburg Deeds, I, 617.

¹⁸³ Rowan Court Min., 17, July 1760.

¹⁸⁴ *Ibid.*, 21 October 1761.

¹⁸⁵ *Moravian Records*, I, 412.

¹⁸⁶ Rowan Marriage Bonds (microfilm), NCDAH, 3 May 1773. On 8 May 1771 Henry Fullenwider appeared before Rowan County's Court of Pleas and Quarter Sessions to offer security for Zevily, who sought a license to maintain an ordinary "in his home in the town of Salisbury." The ties between the Phifer and Fullenwider families assisted John Fullenwider, Margaret's kinsman and a "native Swiss," in his 1778 purchase of two tracts of land along the South Fork of the Catawba River from Martin Phifer. See Rowan Court Min., 8 May 1771 and William Lander Sherrill, *Annals of Lincoln County, North Carolina: Containing Interesting and Authentic Facts of Lincoln County History Through the Years 1749 to 1937* (Charlotte, N.C., 1937), 92-93.

¹⁸⁷ Ashe, *Biographical History of North Carolina*, I, 89-90.

¹⁸⁸ See Salisbury District Superior Court Min., 22 March 1760.

close proximity of the two men's landholdings and religious ties, but also from their service together as jurymen and justices of the peace.

On 31 December 1762, Phifer and Barringer, along with Nathaniel Alexander, who had sat as a jurymen with both Phifer and Barringer two years earlier, were named justices for newly created Mecklenburg County.¹⁸⁹ The office of magistrate, however, was merely the beginning of Martin Phifer's public career. Two years later, the veteran juror and justice welded together two of the new county's disparate groups, the Scotch-Irish and Germans, and, through their support, was elected to North Carolina's provincial assembly. This support continued through the election of 1769 when, through the leadership of the Alexander family and their ally Thomas Polk, Mecklenburg's Scotch-Irish population closed ranks against Phifer and failed to return him to the assembly.¹⁹⁰ The alienation of the county's Ulstermen did not last, however, as Phifer created a new coalition which returned him to the lower house in 1773. In return for the renewed support of Mecklenburg's Scotch-Irish, on 30 January of that year Phifer introduced a bill seeking the reestablishment of Queen's College, a strongly Presbyterian institution chartered in 1771 but disestablished the following year by the Crown.¹⁹¹

Phifer's legislative career, while not as lengthy as that of his contemporary assemblyman, John Frohock, was no less lackluster. Indeed, in late November 1766 the Switzer found himself serving alongside Frohock on a committee created to value "the species of...several commodities."¹⁹² The "several commodities" the two men were to rate included hemp, flax, and finished linen cloth, all products of the Backcountry. Sometime earlier, on the seventeenth of that month, thanks to Phifer's efforts, a bill enabling North Carolinians to pay taxes with these items in lieu of scarce English specie was laid before the assembly for consideration.¹⁹³ In this respect, Phifer was to prove as sensitive to the needs of his fellow Backcountry residents as was Frohock, who had introduced three pieces of legislation seeking the redress of complaints during the previous seven days.¹⁹⁴ Although failing to hold as many committee appointments as Frohock, Phifer could include membership on the prestigious Committee of Propositions and Grievances among the highlights of his years as an assemblyman, being named to this body nine months after his legislative debut in February 1764.¹⁹⁵ That Phifer failed to serve on more committees is

¹⁸⁹ Preyer, *Hezekiah Alexander*, 63-67.

¹⁹⁰ NCCR, IX, 384.

¹⁹¹ *Ibid.*, VII, 394.

¹⁹² *Ibid.*, 379.

¹⁹³ Frohock's three bills sought to aid those persons whose claim to their land was jeopardized by not having filed a land entry for it within a prescribed time (10 November); to prevent South Carolinians from ranging their livestock in North Carolina (15 November); and relief for persons imprisoned for debt (17 November). While the last named bill would benefit persons throughout the colony, the two previous pieces of legislation would grant some relief to Backcountry inhabitants. Many of the Back Settlers lived considerable distances from their county seats and were inconvenienced by the need to travel sometimes for days in order to transact legal matters such as the transferral of land titles. In regard to the act of 15 November, Backcountry North Carolinians, like many residents of their neighboring colony, allowed their livestock to roam and feed freely. Frohock's bill would not only reserve the area's natural forage for livestock belonging to the colony's residents, but would also prevent the spread of diseases into the province from infected stock belonging to their southern neighbors.

¹⁹⁴ NCCR, VI, 1263.

¹⁹⁵ In October 1769 these eastern worthies came to Phifer's aid in disavowing the "many untruths and insinuations of his Enemies." At the heart of this controversy was the whispering campaign launched between March and July of that year by Thomas Polk and the Alexanders. Polk and Moses Alexander "maliciously & scandalously uttered with an Intent to lessen...the good opinion of the Freeholders" of Mecklenburg towards Phifer by claiming that he had introduced a bill in the provincial assembly which would have provided a tax-supported salary for the Reverend Samuel Suther.

unusual as he clearly commanded the respect of several of his fellow legislators, such as Speaker of the House John Harvey, New Hanover representatives John Ashe and Cornelius Harnett, Craven County's Jacob Blount, and Richard Caswell of Dobbs County.¹⁹⁶ Phifer certainly included men capable of extending patronage among his associates during his legislative career.

During the intervening years, Martin Phifer slowly expanded his landholdings, acquiring 450 acres of land along the South Fork of the Catawba River near its "great shoals."¹⁹⁷ Fourteen years after this purchase, in 1778, he would convey this same tract to John Fullenwider, the son of Jacob Fullenwider.¹⁹⁸ Additional purchases increased his acreage surrounding Phifer's home on Coldwater Creek. Not all of these transactions, however, were limited to land. On 30 October 1772 Phifer purchased 300 acres of land, along with "Goods and Chattels," from Christian Munts.¹⁹⁹ The phrase "Goods and Chattels" implies that Martin Phifer may well have joined the ranks of those Backcountry residents owning African slaves. Indeed, his son John owned at least seven slaves by the summer of 1775.²⁰⁰ Just when Martin Phifer acquired the first of the fourteen slaves he was later to own in 1790 cannot be determined, but given the presence of slaves in his son John's family on the eve of the Revolution and his purchase of "Goods and Chattels" from Munts in 1772, it seems highly probable that, by 1775, Martin Phifer himself owned African slaves.

**"In America there is no profit in a farm run with hired help:"
African slaves in the Backcountry**

African slaves, such as those owned by the Phifer family, appear early in the records extant for the Backcountry. In early September 1753 the justices of Orange County interrupted their deliberations to determine the age of a "Negroe Boy named Bob...also one negroe Boy named Frank" belonging to Henry Webb.²⁰¹ Orange County's magistrates were well qualified for this task as two of the justices present, Mark Morgan and John Pryor, along with John McGee, one of the constables attending the court, were themselves slave owners.²⁰² McGee and Webb, however, were not the only slave owning residents of Orange County who had reason to appear before the court that September. On the eleventh, the same day Henry Webb presented Bob and Frank before the court, Miles Parker, the owner of two Africans, strode into the courtroom to confirm the transfer of 125 of his acres to Nathan Cary. The eleventh also saw Hosea Tapley, owner of Codger, Sara, and Annaga, lose the suit being pressed against him by John and Henry

According to one charge by Robert Erwin, Phifer's legislation would have resulted in a £30:0:0 remuneration for the Reformed minister, whose German congregation was "poore and not able to pay a Minister." A similar tale was told by Benjamin Wallace, who claimed that Moses Alexander stated that Suther's pay was to be £136:0:0. The episode's hero, in the eyes of Mecklenburg's bitterly anti-establishment Scotch-Irish population, was Phifer's fellow assemblyman, Thomas Polk, who defeated this attempt on the assembly floor. Through these "untruths," the Polk and Alexander faction toppled Phifer from the legislature's Lower House at election time that year. Supporting the notion that these charges were "false & scandalous" is the negative evidence supplied by the journals of the North Carolina House of Commons, which makes no mention of Phifer's having attempted to introduce such legislation. See Mecklenburg Deeds, VII, 268-271.

¹⁹⁶ Mecklenburg Deeds, II, 410.

¹⁹⁷ Lincoln County, Deed Books (microfilm), II, 332 and 335, NCDAH.

¹⁹⁸ 198. Mecklenburg County, Court of Pleas and Quarter Sessions (microfilm), 30 October 1772, NCDAH.

¹⁹⁹ Mecklenburg County, Will Books (microfilm), F:25, NCDAH.

²⁰⁰ Orange County, Court of Pleas and Quarter Sessions (microfilm), 11 September 1753.

²⁰¹ Orange County, 1755 List of Taxables, NCDAH.

²⁰² Ibid.

Pinson while James Forrester, Sr., owner of an African woman whose name has been lost to us, presented himself to register the brands and marks used on his livestock.²⁰³ Indeed, Orange County's slaveholders could easily lump human lives together with that of their animals as did James Muse, Sr., who, that day, deeded "his negroes and hogs Horses and Cattle with all the Remainder of the said Stocks" to his son, James, Jr.²⁰⁴

The twenty-one Africans owned by Webb, Morgan, Pryor, McGee, Parker, Tapley, and Forrester represent a fraction of the black population resident in Orange County during the mid-1750's. By early 1756 there were 130 taxables of African descent in Orange County, an amount equal to 11.68 percent of the county's total taxable population.²⁰⁵ Fifty-eight of the county's white residents, or eight percent, owned these bondsmen. In 1756 Mark Morgan, a vestryman for the county's Saint Matthew's Parish and major of the county's militia, possessed the largest number of slaves, keeping six Africans at his home on New Hope Creek.²⁰⁶ Slave ownership, however, was not confined to the Backcountry's eastern periphery.

By 1756 the two western counties of Anson and Rowan both counted small numbers of Africans among their taxable populations. The percentage of black taxables in either of these jurisdictions, however, barely approached that of Orange County. Negroes accounted for 6.89 percent of Anson County's sparse 870 taxables while Rowan, whose population more closely matched Orange County's 1113 taxables, included 54 blacks, comprising 4.59 percent of the inhabitants, among its 1176 taxables.²⁰⁷ In 1756 Rowan County's largest slaveholder was probably the newly arrived easterner.²⁰⁸ Well behind Frohock in the number of slaves owned was one of the county's magistrates, Alexander Osborne, who maintained three blacks on his estate on the headwaters of Rocky River.²⁰⁹ With his handful of slaves, Osborne was far more typical of Rowan County's slaveholders during the 1750's, the majority of whom owned less than three blacks by 1759.

Mounting prosperity and the increased availability of Africans allowed many of the Backcountry's slaveholders to add to the number of blacks they owned. John Frohock's record of slave acquisition was exceptional. Between 1759 and his death in 1773, as his wealth multiplied, the number of his Negroes increased nearly sixfold from seven to forty.²¹⁰ Not all of the area's slave owners, however, were able to match Frohock's slaveholdings. In 1759 Hugh Lawson, originally from Cecil County, Maryland, kept a mulatto woman, Nancy, at his home in Rowan County near the Catawba River.²¹¹ By mid-January 1760 Lawson had purchased a second mulatto, Agnes Foquet. More intractable than Lawson's other slave, Foquet petitioned for and

²⁰³ Ibid.

²⁰⁴ Ibid. James Watson, Orange County's clerk of court, tabulated the county's total taxable population as 1113 persons, of whom 983 were white.

²⁰⁵ Ibid. On 20 November 1744 Morgan, seeking grants of land in the portion of Bladen County which later became Orange, proved headrights for six persons, three of whom were African slaves. For details about Morgan's career, see NCCR, IV, 706; NCSR, XXIII, 384; *Orange County*, 1752-1952, ed. by Hugh Talmage Lefler and Paul Wager (Chapel Hill, N. C., 1953), 76; and Orange Court Min., 12 June 1753.

²⁰⁶ NCCR, V, 603.

²⁰⁷ Johnson, "Rowan County: 1759 Tax List," 1884. Although the list fails to distinguish between white and black taxables in the case of Frohock, given John Frohock's large African labor force at the time of his death in the early 1770's, it is assumed that the bachelor owned some slaves as early as 1759.

²⁰⁸ Ibid.

²⁰⁹ Rowan Wills, C:224.

²¹⁰ Johnson, "Rowan County: 1759 Tax List," 1885. For Lawson's origins, see Ramsey, *Carolina Cradle*, 103.

²¹¹ Rowan Court Min., 23 January 1761. See also minutes for 18 January 1760.

won her freedom the following year.²¹² This setback for Lawson, which halved his slave population was only momentary, however. By 1768, he had enlarged the number of Africans he possessed to four, among them the mulatto Nancy.²¹³

Less lucky than Hugh Lawson was William Denny, who resided on 640 acres in eastern Rowan County near the Haw River's Reedy Fork.²¹⁴ An Ulsterman originally from Little Britain Township in Pennsylvania's Lancaster County, Denny's luck seems to have consistently failed him after his move to North Carolina. Originally establishing himself west of the Yadkin River near the home of a fellow Pennsylvanian, David Templeton, William Denny may well have been among the homesteaders who fled eastward during the mid-1750's to escape the depredations of the Catawba and Cherokee Indians.²¹⁵ Denny's peregrination eventually carried him to the Reedy Fork area where he found other acquaintances from Pennsylvania settled on land belonging to the Nottingham Company. Among the Presbyterian colonists the Nottingham Company sent to North Carolina was John Nicks, who took up land south of the tract Denny would come to occupy. By the end of the 1750's, both men had launched themselves, with varying degrees of success, along what Darrett B. Rutman, in his study of colonial Virginia's Middlesex County, termed "the negro road."²¹⁶

In 1759 John Nicks and William Denny each owned one slave.²¹⁷ Any similarities between the two men, however, ended at this point. Nicks, a former constable for the area surrounding the Reedy Fork, steadily increased both his landholdings and the number of slaves he owned. By 1763 the amount of land Nicks owned stood at 1290 acres.²¹⁸ Two years later, in 1768, his slave population, like his landholdings, had doubled with the purchase of a mate for his bondsman. Nine years after Nicks' death in 1781, three of his sons, John, Jr., Quinton, and George, possessed a total of twenty-eight slaves, some of which quite probably had once belonged to the elder Nicks.²¹⁹

By 1766, perhaps with his neighbor's success in mind, William Denny had purchased a mate for his slave with the intention of expanding his slaveholdings through natural increase. Mid-August of that year found Denny making out his will in which he left "negro wench Dine" to care for and assist his wife Ann and "negro Tom" to his son, James.²²⁰ In time, after the death of the elder Denny in 1770 and the subsequent death of Ann Denny, ownership of both slaves devolved upon their son. The Denny family, however, never was able to expand its slaveholdings during the lifetime of either father or son. In late 1774 James Denny devised the same two blacks, Tom and Dine, to his heirs.²²¹

²¹² Jo White Linn, "Lists of Taxables in Rowan County, 1768," *North Carolina Genealogical Society Journal*, IX (1983), 206.

²¹³ Rowan Deeds, II, 67.

²¹⁴ Ramsey, *Carolina Cradle*, 188.

²¹⁵ Darrett B. and Anita H. Rutman, *A Place in Time: Middlesex County, Virginia 1650-1750* (New York, 1984), 164.

²¹⁶ Johnson, "Rowan County: 1759 Tax List," 1883 and 1886.

²¹⁷ Rowan Deeds, III, 197 and IV, 526.

²¹⁸ NCSR, XXVI, 573-574 and 583. In 1790 George Nix owned eleven slaves. Forty-eight years later, at the time of his death in 1838, Nix's slave holdings still stood at eleven. See Guilford County, Will Books (microfilm), C:0764, NCDAH. For the number of Africans owned by the elder Nix and William Denny in 1768, see Linn, "Lists of Taxables in Rowan County," 210.

²¹⁹ Rowan Wills, A:31.

²²⁰ Guilford Wills, A:088

²²¹ Jeffrey J. Crow, *The Black Experience in Revolutionary North Carolina* (Raleigh, N. C., 1977), 38.

The Denny family's failure to increase the number of blacks they owned could be tied to a host of reasons, some stemming from the family's lack of resourcefulness, some lying with the slaves themselves. Slave women in North Carolina occasionally resorted to the use of concoctions which prevented them from bearing children, obtained from fellow slaves known as obeah-men, or conjurers. Perhaps William Denny's "negro wench Dine," in an effort to assert some form of control over her life, sought out an obeah-man much like Johnston County's Bristoe, an African who provided just such a potion to a fellow slave.²²² Powerless before the colony's laws, the blacks living in North Carolina were forced to resort to subtler ways, such as wizardly formulas, in order to establish even a trace of influence over the province's white population.

By 1749, when the first of the Backcountry counties, Anson, was created, North Carolina's black population resided under an highly oppressive code. Enacted in 1741, the "Act Concerning Servants and Slaves" barred the colony's blacks from trading with the white population and denied them the privilege of raising livestock for their own benefit.²²³ Not only did the act seek to protect the colony's white population, whether tradesman or farmer, from the encroaches of blacks in the market place, it also sought to protect those whites who made their living as professional hunters. Only slaves carrying a certificate from their masters were allowed to hunt. Otherwise, the colony's laws forbade Negroes to "go armed with Gun, Sword, Club or other Weapon, or shall keep any such Weapon, or shall Hunt or Range in the Woods."²²⁴ The unlucky African caught foraging without the required pass was to receive twenty lashes from the person apprehending him, while his master was penalized only to the extent that he was required to pay the slave catcher for his efforts.

Further restrictions hindered the bondsman's ability to travel freely. From 1729 until the outbreak of the Revolutionary War, slaves found at night traversing the countryside or in kitchens of whites other than their master received forty lashes as punishment. Punishment was even extended to any blacks in whose company these violators were found, they being subject to twenty lashes.²²⁵ A slave found at any time traveling "from his master's land by himself to any other place, unless he should keep to the usual and most accustomed road" and failing to produce a written pass from his master enabling him to be abroad could receive no more than forty lashes as punishment for his trespass.²²⁶

North Carolina's slave code, as it existed by 1749, not only sought to curtail the bondsman's right to property and free travel, but steadily sought to bar the African from testifying against the province's white population in the colony's courts. Blacks, mulattoes, and Indians, whether free or bond, who were found guilty of bearing false witness received a threefold punishment. Without delay, the unfortunate offender, for one hour, was to have one ear nailed to the ever present pillory which stood near each county's courthouse. At the end of this time, the ear was severed and the transgressor's other ear was to be nailed to the pillory with the process repeated after the passage of a second hour. Lastly, the hapless person received thirty-nine lashes to complete the punishment.²²⁷ In 1746 the colony completed its removal of blacks from the judicial process. Legislation passed that year decreed that "all negroes, mulattoes, bond

²²² NCSR, XXIII, 194 and 201.

²²³ Ibid., 201.

²²⁴ Ibid., 114.

²²⁵ Ibid.

²²⁶ Ibid., 202-203.

²²⁷ Ibid., 262.

and free, to the third generation...shall be deemed to be taken as persons incapable in law to be witnesses in any case whatsoever, except against each other."²²⁸ By the time the Backcountry began to be settled, African slaves, with no right to own property or to bear witness against their masters and other whites, were, legally, nonpersons.

Despite the colony's attempts to remove any form of power from the hands of its black slaves, the Africans in North Carolina found ways to resist white subjugation. Difficult to detect, the tactics used by the bondsmen could be as subtle as their failure, like William Denny's "negro wench Dine," to bear children. To a small planter like Denny the failure of his slaves to multiply could be economically damaging. Dependent upon a labor force limited to his immediate family because of the high cost and scarcity of free laborers, he was unable to afford more bondsmen. Unable to increase the manpower available to him, the small planter would be limited in the amount of land he could clear and prepare and, thus, also restricted in the extent of the crops he could plant. Equally harmful could be a slave's intentional destruction, commonly feigned as an accident, of a farmer's crop, or the flight of a slave during harvest time when the presence of all available labor could be crucial to bringing in the crop.

A myriad of reasons, including the desire to escape the bondage imposed upon the slave by his white owner, underlay flight among the colony's slave population. Marvin L. Michael Kay and Lorin Lee Cary contend that fleeing slaves not only "denied the powerlessness defined by their status," but also "challenged the carefully crafted controls their masters molded to regulate the lives, labor, and destinies" of the African bondsman.²²⁹ Challenges to these controls existed among the enslaved blacks in the Backcountry just as they existed among their counterparts in the eastern half of North Carolina. In late June of 1767, the Moravians at Bethabara, aroused by a series of thefts, including that of a gun belonging to the town's miller, Joseph Kapp, voiced their fear that a runaway slave "who has been in the neighborhood for more than two years" lay behind these deeds.²³⁰ That this unnamed black chose to vent his frustrations by resorting to flight and thievery is not surprising; that he was able to enjoy a modicum of freedom for two years without capture is remarkable. Undoubtedly aided by other blacks in the area, such as the "negro woman" the Moravians had hired from James Blackburn in 1763 to serve as a maid in their tavern, the runaway had been able to evade capture for an extended period.²³¹

Runaways such as the one which plagued the Bethabara neighborhood in 1767 were most likely to be male field hands. From their study of fugitive slaves in North Carolina during the colonial period, Kay and Cary conclude that field hands "chose to flee in such large numbers because they were less cognizant of the full scope of white power, had fewer material advantages to lose than skilled slaves, and had only limited legal alternatives to relieve harsh circumstances."²³² A further factor accounting for the large numbers of field hands seeking escape from their chattel status was the large number of African-born slaves among them. The isolation felt by these African-born slaves, reinforced by their limited ability to communicate with those surrounding them and intensified by their traumatic uprooting and transportation to the New World, lay behind the field hand's decision to seek flight alone. Indeed, Kay and Cary

²²⁸ Marvin L. Michael Kay and Lorin Lee Cary, "Slave Runaways in Colonial North Carolina, 1748-1775," NCHR, LXIII (1986), 1.

²²⁹ *Moravian Records*, I, 360.

²³⁰ *Ibid.*, 274.

²³¹ Kay and Cary, "Slave Runaways," 20.

²³² *Ibid.*, 23.

have found that 67.2 percent of those slaves who fled their masters in North Carolina between 1748 and 1775 did so without accompaniment.²³³

Among this majority was the "African born" Jack who fled from his masters near Salisbury on 16 October 1768.²³⁴ Brought to North Carolina from Pennsylvania six years prior to his escape, Jack belonged to the Salisbury merchant John Mitchell and two of his partners, Hugh Jenkins and Hugh McGuney. Although speaking "bad English," Jack was able to remain at large for over a year before his three owners began to advertise for his return.²³⁵ Not all of the blacks fleeing Backcountry masters, however, were as fortunate as Jack in evading capture and return to their owners.

In early June 1764, Noble Ladd, the constable for the area around Town Fork Creek in Rowan County, brought a runaway slave to the Moravian settlement of Bethania. Ladd, originally from Goochland County, Virginia, and himself the owner of two blacks, had taken the slave from his former owner, Henry Banner, at Banner's request.²³⁶ In 1763 Banner, an Englishman who resided on a prong of Town Fork Creek near the edge of the Wachovia Tract, had purchased the Negro from a passing slave trader and later resold him. Banner's motive for purchasing the slave quite probably was the need for labor as his family, including his oldest son, Joseph, age twelve, would have proved incapable of caring for the tobacco planted on their Buffalo Creek acreage.²³⁷ Following the elder Banner's experimentation with tobacco, the family soon realized the need for slaves to care for this highly labor intensive crop. By late May 1756 Henry Banner owned a mulatto and a black woman to assist him in planting and harvesting his tobacco.²³⁸ Indeed, Henry Banner learned early what his Moravian neighbors would later realize, that, "in America...there is no profit in a farm run with hired help...[u]nder such circumstances other people buy slaves."²³⁹

Having invested in slaves, Henry Banner sought to increase his labor force as he expanded his landholdings. The need for more laborers led him to purchase his third slave in 1763. Why and to whom Banner sold this slave remains a mystery, but there can be no doubt that Henry Banner proved to be a good master for his bondsmen. Indeed, at his death, Banner urged that his two slaves, Prince and Dinah, have the liberty to "choose which of my ch[ildren] they will belong to."²⁴⁰ Following his sale, this third slave, dissatisfied with his new master, fled and returned to Banner.²⁴¹ Unwilling to use the runaway for his own benefit, Banner summoned constable Ladd to carry the fugitive to Bethania where he was to be turned over to Peter Hauser, the constable for Dobbs Parish, who was to escort the slave to the South Yadkin River. There he would once more be handed over to yet another constable.²⁴² In this fashion, the unfortunate

²³³ North Carolina Gazette (microfilm), 10 November 1769, NCDAH.

²³⁴ Ibid.

²³⁵ *Moravian Records*, I, 288. For Ladd's origins, see *Heritage of Stokes County*, 331. In 1759 Ladd owned two Africans. See Johnson, "Rowan County: 1759 Tax List," 1885.

²³⁶ *Heritage of Stokes County*, 180. Henry Banner's eldest son, Joseph, was born on 28 December 1749. By the end of 1756, Banner's landholdings totaled at least 217 acres abutting the Moravians' Wachovia Tract along Buffalo Creek. See Rowan Deeds, I, 164 and II, 120.

²³⁷ *Moravian Records*, I, 166. The previous June found Banner's tobacco crop plentiful enough for him to share a "couple of hundred" plants with his Moravian neighbors. See *Moravian Records*, I, 132.

²³⁸ Ibid., II, 614.

²³⁹ Stokes County, Will Books (microfilm), 1:7, NCDAH.

²⁴⁰ *Moravian Records*, I, 288.

²⁴¹ Ibid.

²⁴² Alan D. Watson, "Impulse Toward Independence: Resistance and Rebellion Among North Carolina Slaves, 1750-1775," *Journal of Negro History*, LXIII (1978), 323.

black was passed from constable to constable until he reached the jail at Salisbury where he would be held until claimed by his current master.

As Backcountry farmers began to produce for distant markets, the flight of his bondsmen could impair a slave owner's ability to harvest his crops and thus deprive him of his investment in purchasing the slave. Running away, however, was not the only method by which blacks in the Backcountry sought to reassert control of their lives. Some resorted to violence to achieve their goals. Fearful of slave rebellions such as those which shook South Carolina in 1739 and several of the Caribbean islands during the first half of the eighteenth century, in 1753 North Carolina instituted the patrol system in an effort to preempt slave uprisings. Following passage of legislation that year, each county was divided into districts with patrollers appointed in each district to search for weapons secreted by the slaves.²⁴³ Just as there existed privileges to entice the colony's white population to perform duties such as those of the county constable, concessions were made to encourage men to act as patrollers. Exempt from road work, militia and jury service, those engaged in the patrol system were also discharged from all forms of taxes, both local and provincial.²⁴⁴ Despite these enticements, however, slave owners in the Backcountry were slow to implement the patrol system. Not until May 1775 would Rowan County establish a system of slave patrollers and then only for the town of Salisbury.²⁴⁵

Yet Backcountry slave owners, for all their reluctance to initiate the patrol system, had reason to fear their bondsmen. During the summer of 1772, John Henry, an Anson County planter, was brutally murdered by his slave Toney. Seizing an ax, Toney bashed in his master's head.²⁴⁶ Less violent than John Henry's Toney was another Toney, who belonged to Walter Sharpe in neighboring Rowan County. Like his father-in-law, Robert Hardin, and brother, John Sharpe, the thirty-year-old planter had embarked upon "the negro road." In early February 1777, justices Matthew Troy and Christopher Beekman, in addition to William Nesbit, Alexander Dobbins, James Brandon and John Sloan, all "Freeholders and owners of Slaves," sat in judgment over Toney, who stood charged with "maliciously voluntarily and feloniously, burning the Dwelling house of Said Walter."²⁴⁷ Unwilling to attempt to sway the court's sympathies, Toney could offer no reason why he should not be put to death for his crime. Toney's act of defiance, recognized as a manifestation of "inward-directed rebelliousness" by Alan D. Watson, ended on 8 February, the day following his trial, as Sheriff Robert King carried out the court's sentence of death.²⁴⁸

Less detectable than the methods the two Toneys used to vent their frustrations upon their masters was the resort to the use of poison by the slave. Described by Jeffrey J. Crow as "of indisputably African origin," poisoning was directed by black slaves against both the white community which held them in bondage and against their fellow bondsmen.²⁴⁹ Between 1715 and 1785, at least thirteen slaves in North Carolina were indicted for poisonings. During this period, Johnston County, located near the eastern periphery of the Backcountry, was the scene of at least three trials of blacks accused of poisoning whites.²⁵⁰ Poisoning, however, was not

²⁴³ Ibid.

²⁴⁴ Rowan Court Min., 2 May 1775.

²⁴⁵ Committee of Claims (Coroners' Inquests), Secretary of State's Papers, NCDAH.

²⁴⁶ Rowan Court Min., 7 February 1777.

²⁴⁷ Watson, "Impulse Toward Independence," 320.

²⁴⁸ Crow, *The Black Experience*, 37.

²⁴⁹ Alan D. Watson, "North Carolina Slave Courts, 1715-1785," NCHR, LX (1983), 31 and Crow, *The Black Experience*, 38.

²⁵⁰ NCCR, XXII, 839. For Russ's slave holdings, see Anson County, 1763 List of Taxables, NCDAH.

exclusive of the Backcountry. On 10 February 1764, Hezekiah Russ, an Anson County planter and owner of "Negroe Sarah," received compensation from the colony for the execution of Sarah's mate, Dick.²⁵¹ Dick, like Walter Sharpe's Toney, had paid with his life for his crime, poisoning a slave belonging to Anson County's John Crawford.

Whether by flight, denial of labor, or by more violent means, the black community of the Backcountry attempted to exert some form of control over their situation. Denied the right to own property, a condition which might have allowed them the chance to participate in the electoral process as freeholders, and having no credibility before the county courts, blacks turned to the only outlet which could give them a modicum of power: fear. Had the colony's white population not lived in fear of their bondsmen, then the institution of the patrol system in 1753 would have been unnecessary.

Although this fear was not visibly manifest in the Backcountry, as witnessed by the late appearance of patrollers there, a few of its residents were concerned about possible slave uprisings. On 6 June 1763, the diarist for the Moravian town of Bethabara noted the Brethren's concern "over the report that the negroes have murdered all in Berbice," far away in the Guianas of South America.²⁵² The revolt there, which claimed nearly 200 of the colony's 350 whites and involved 2000 slaves, undoubtedly gave the inhabitants of Wachovia, who had just begun their experimentation with using slave labor, cause for concern. Not until the following November would the Moravians in North Carolina rest easy in the knowledge that "our Brethren and Sisters had escaped from Berbice at the time of the negro rebellion."²⁵³ While the Brethren in the Backcountry failed to take precautions lest what had happened in South America should befall them, the thought of a slave uprising among them no doubt was not far from their thoughts. This fear, which Jeffrey J. Crow finds "common to all societies based on slavery," was embedded in the consciousness of North Carolina's slave owners.²⁵⁴ That it existed at all is a measure of the power which the blacks in the colony were able to wield.

Conclusion

The white population of the Backcountry, diverse in both its national and religious composition, aspired to different levels of the political offices available to them. No restrictions, save a proscription against Roman Catholics, existed to bar these men from office. The careers of Edward Hughes, David Jones, Benjamin Milner, James Carter and John Frohock support A. Roger Ekirch's conclusion that "the backcountry's elite was considerably more homespun in its origins, less conspicuous in its wealth, less experienced in politics, and in all probability, more avaricious in its temperament."²⁵⁵ The careers of these men, all residents of Rowan County, are not atypical. Counterparts to them existed throughout the northern and eastern portions of the Backcountry.

In Orange County, members of the Church of England who, like James Carter and John Frohock, held multiple offices included Edmund Fanning, the brother of an Anglican divine and register of deeds, militia colonel, and representative for Orange County.²⁵⁶ Francis Nash, lawyer,

²⁵¹ *Moravian Records*, I, 272.

²⁵² *Ibid*, 277.

²⁵³ Crow, *The Black Experience*, 19.

²⁵⁴ Ekirch, *Poor Carolina*, 169.

²⁵⁵ Mary Claire Engstrom, "Edmund Fanning," *Dictionary of North Carolina Biography*, II, 181.

²⁵⁶ A. M. Waddell, "General Francis Nash," *North Carolina Booklet*, XIV (1914), 76-77.

clerk of the superior court after the creation of Hillsborough District, and captain in the Orange County militia, was the son of a Welshman, John Nash, who was one of the prime movers behind Richmond, Virginia's, St. John's Anglican Church.²⁵⁷ Two other Virginians, Thomas Hart and James Lea, both Anglicans, served Orange County as, respectively, its sheriff and a justice of the peace.²⁵⁸ The builder of an Anglican chapel of ease, Lea later became a member of the Baptist Church. In neighboring Guilford County, formed in 1771 from Rowan and Orange, John Kimbrough, tavern owner and member of the Church of England, represented the county in the colony's assembly.²⁵⁹

Only in the southern half of the Backcountry, in Anson and Mecklenburg Counties, does there seem to be a lack of English officeholders. Dominant in this region were Scotch-Irish Presbyterians such as Thomas Polk and the Alexander family. Yet, although the Dissenters of Mecklenburg County might effectively bar an Anglican minister from taking up his parish there as they did in 1765 with the Reverend Andrew Morton, they could not prevent non-Presbyterians from holding local offices.²⁶⁰ Martin Phifer, who successfully put together a coalition of Ulstermen and Germans to win election to the colony's assembly, serves as a reminder of this. The alliance between the Swiss Lutheran Phifer and the Scotch-Irish of Mecklenburg County, however, is not an anomaly.

Tryon County, carved from the western half of Mecklenburg in 1768 and containing a mixed population of Scotch-Irish and Germans, sent Frederick Hambright as one of its representatives to the extralegal provincial congress which met on 21 August 1775 in Hillsborough. The recipient of a 1753 grant of land on the west side of the Catawba River near its Tuckasee Ford, Hambright had arrived in 1738 in Philadelphia in the company of three hundred other Palatine immigrants.²⁶¹ The boost which catapulted Hambright into the provincial congress quite likely came with assistance from his Presbyterian in-laws, the Hardin family, which also sent one of its members to Hillsborough.²⁶² Hambright, however, was not the only German to rise to prominence in the southwestern corner of the Backcountry. A second German

²⁵⁷ Durward T. Stokes, "Thomas Hart in North Carolina," NCHR, XLI (1964), 326-327 and 336.

²⁵⁸ *Moravian Records*, II, 796. By early 1773, Kimbrough's kinsman, Bradley Kimbrough, an ardent Anglican, had built a chapel of ease at his home near the Uwharrie River. Originally from New Kent County, Virginia, where John Kimbrough's grandfather and namesake, John Kimbrough, offered the local parish "the use of his house to preach in," by 1740 the family had established themselves in North Carolina's Edgecombe County. Twelve years later, one branch, headed by John's father, Marmaduke, moved southwestward into the Backcountry and took up land near the Uwharrie. One of Marmaduke Kimbrough's nephews, John Kimbrough, continued the family's southerly trek, eventually settling in Saint David's Parish, located in South Carolina's Backcountry. Like his North Carolina cousins, John Kimbrough of South Carolina remained active in the Church of England, serving as a vestryman for Saint David's through the mid-1770's. See Edgecombe County, Deed Books (microfilm), IV, 233; Brent H. Holcomb, *Saint David's Parish. South Carolina: Minutes of the Vestry 1768-1832, Parish Register 1819-1924* (Easley, S. C., 1979), 3-5, 8, 12-13, 15, and 20; Margaret Kimbrough Mulkey, *Kimbrough, Dumas and Related Southern Families* (Maples, Fla., 1977), 5-7; NCCR, IV, 479; and *Vestry Book of Saint Peter's, New Kent County, Va. From 1682-1758* (Richmond, Va., 1905), 72.

²⁵⁹ NCCR, VII, 252-253.

²⁶⁰ I. Daniel Rupp, *A Collection of Upwards of Thirty Thousand Names of German, Swiss, Dutch, French and Other Immigrants in Pennsylvania from 1727-1776* (Baltimore, 1965), 126. Hambright's family arrived in Philadelphia on 27 October 1738 in the company of three hundred "Palatines." See also Anson, Deeds, I, 237.

²⁶¹ Clarence W. Griffin, *History of Old Tryon and Rutherford Counties 1730-1936*, (Asheville, N. C., 1937), 32 and 48.

²⁶² *Ibid.*, 46.

resident of Tryon, Jacob Costner, served the county from 1771 through 1772 as one of its justices and, from April 1773 until his death in 1777, as its sheriff.²⁶³

Just as no one group enjoyed a clear monopoly over local political offices, no particular body exerted a sway over patronage. The patronage which existed in the Backcountry involved a give-and-take between the various factions which made up its population. Thus, the former Quaker Edward Hughes, who, in 1754, stood as security to enable his Anglican friend, James Carter, to obtain an ordinary license could count on a future return of favors by Carter.²⁶⁴ Acquaintances forged before their arrival in the Backcountry aided many of its settlers. In the case of Hughes and Carter, the bond between the two was established and strengthened in the Shenandoah Valley through the intercession of a third party, Morgan Bryan, whose son Jonathan married Carter's daughter while sons Samuel and Morgan, Jr., witnessed the deed for Hughes' property. Once in North Carolina, all three men found themselves in a situation as justices of the peace in which each could assist the ambitions of the other. For John Frohock, patronage stretched from the Backcountry to North Carolina's coastal region and, ultimately, to England through the colony's agent, Henry Eustace McCulloh. Regardless of the distance between the source and its beneficiary, patronage existed in the Backcountry to be bandied among its white inhabitants.

Noticeably absent from the political offices held by men such as Hughes, Carter, Bryan, and Frohock were members of the Backcountry's black population. The whites of North Carolina's back settlements, like those studied by Richard Beeman in Piedmont Virginia's Lunenburg County and Darrett B. Rutman in the Tidewater county of Middlesex, easily accepted the notion of chattel slavery.²⁶⁵ Reflecting to some extent the hierarchical society of which they were members, planters in the North Carolina Backcountry differed from their eastern counterparts only in the number of slaves possessed by an individual.

Although owning fewer blacks than the planters of the coastal plain and outer piedmont, the slave owners of the frontier counties of Orange, Anson, and Rowan shared their concern over rebellions by the enthralled Africans. In early May 1775, unable to mask the dissension between elements of the white population as royal control over the colony dissolved, and fearing the consequences lest the slaves attempt to capitalize upon this situation, Rowan County appointed "Patrollers" to preempt any uprising by the slave population of Salisbury.²⁶⁶ Blacks might mingle with the colony's whites in acceptable circumstances, such as in a bustling town like Salisbury with its multitude of tradesmen and inns.

Indeed, in 1782, on the eastern boundary of the Backcountry, a "Free Malatto" sat in a Granville County tavern "foot, to foot, Playing all fours by firelight: a Dollar a Game" with a white.²⁶⁷ Similarly, in 1759, James Jackson shared his home in Rowan County with his two sons and a "free Negroe."²⁶⁸ Two years later, in 1761 in neighboring Orange County, Moses Ridley and Charles Gibson, both free mulattoes, acted as chain carriers in the survey of John Brown's Granville grant along the Flat River.²⁶⁹ Yet distrust of the African could not lie far below the

²⁶³ Rowan Court Min., 8 October 1754.

²⁶⁴ Richard R. Beeman, *Evolution of the Southern Backcountry* and Darrett B. and Anita H. Rutman, *Place in Time*.

²⁶⁵ Rowan Court Min., 2 May 1775.

²⁶⁶ Crow, *The Black Experience*, 32.

²⁶⁷ Johnson, "Rowan County: 1759 Tax List," 1885.

²⁶⁸ Granville District Papers, NCDAH. Both men are listed as free mulattoes in Orange County's 1755 tax list.

²⁶⁹ Raymond A. and Alice H. Bauer, "Day to Day Resistance to Slavery," *Journal of Negro History*, XXVIII (1942), 388-419 and Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York, 1974), 597-621 and 648-657.

surface of the white population's psyche. Slaves could, and did, rise up and murder their masters, whether on the edge of the Backcountry or in its very heart as evidenced by the Anson County bondsman, Toney, who so brutally slew his master in 1772.

Acts such as Toney's represented an attempt by the slave to reassert control over his or her life. Africans in the Backcountry, however, did not have to resort to force to deny the planter's power over them. Unable to alter the political structure surrounding them, slaves in the Backcountry could at least affect the local economy. Subtler ways, whether the feigning of an illness or pregnancy to avoid work or the deliberate destruction of tools and crops along with the abuse of draft animals under pretended ignorance, were equally effective ways of striking back at the slave owner. Flight during harvest time, more overt than the foregoing forms of slave resistance, could cripple the planter who was trying to produce for developing markets. Black resistance along these lines, recognized in the studies of nineteenth century slavery by Raymond A. and Alice H. Bauer and Eugene D. Genovese, should be seen as a bid by the African population of the Backcountry to wield some form of power, if only over their own lives.²⁷⁰ Similarly, the fear the slaves could command through the prospect of armed rebellion represents another form of the tenuous power available to the blacks.

Power, "the ability to control others," was accessible to all the various national groups which inhabited the Backcountry. This broad opportunity existed largely because of the fluid nature of Backcountry society. Continual in- and out-migration, lasting through the Revolutionary War, altered the composition of the area's population. Carl Bridenbaugh, in his pioneering study of the back settlements, has claimed that, "[a]mong the westward-moving colonials the widest range existed, from abject poverty to considerable wealth in land and slaves."²⁷¹ Indeed, this broad spectrum allowed individuals, both white and black, who might have been excluded from power in other areas, such as the more mature eastern half of the colony, to have some sway over events in the Backcountry.

²⁷⁰ Bridenbaugh, *Myths and Realities*, 131.